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NOTICE.—The first Number of Vol. 14 of the SOLICITORS' JOURNAL and of Vol. 18 of the WEEKLY REPORTER will be published Nov. 6th.

ERRATUM.—Page 997, fifth line from foot, for "had been paid" read "had paid."

The Solicitors' Journal.

LONDON, OCTOBER 30, 1869.

IN THE CASE of the Duke of Newcastle's bankruptcy Mr. Commissioner Winslow has decided that a peer who is not a trader cannot be made a bankrupt, and upon that ground has dismissed the petition for adjudication against the Duke. This decision appears to us a very strange one; and the reasons upon which it is based are even stranger. The reasoning of the learned commissioner appears to be as follows:—It is true that the early Bankrupt Acts made no distinction in terms between members of either Houses of Parliament and other people, and it is true that Lord Hardwicke speaks of it as settled law that a peer might be made a bankrupt, and cites a case in which one had been so treated. But then some years afterwards an Act of Parliament (4 Geo. 3, c. 33) recited that "merchants, &c., having privilege of Parliament are not compellable to pay their just debts, or to become bankrupt (that is, of course, to commit an act of bankruptcy), by reason of the freedom of their persons from arrest, and some doubts have also arisen whether in cases of bankruptcy a commission can be sued out during the continuance of the privilege." And the Act accordingly provided a mode of forcing members of Parliament to commit an act of bankruptcy, and also said that if they committed any other act of bankruptcy they should be liable to be made bankrupt, like other people. Other subsequent Acts contained similar special provisions. And so the matter stood when the Act of 1861 passed. That Act did not repeal the special provisions in question and made no new special provisions as to members of Parliament; it merely said, "all persons, whether traders or not, shall be subject to the provisions of this Act;" therefore, as no special provisions have been made as to members of Parliament and not traders, the Act does not apply to them. This reasoning involves, if we understand it, the following three propositions:—(1) that adjudication in bankruptcy conflicts *prima facie* with the privileges of Parliament; (2) that statutes are to be construed as subject to the privileges of Parliament, unless a contrary intention be expressed, or at least plainly appear; (3) that in the present case no such intention sufficiently appears. The second of these propositions we do not care to dispute; but with the first and third it is far otherwise. If adjudication in bankruptcy conflicts with the privileges of Parliament, we ask, with which of them? The privileges of Parliament are well known and are pretty clearly settled. Which of them could be violated by adjudication in bankruptcy? where is it to be found? where was it asserted, and how? The learned Commissioner throws no light whatever upon the point. He merely points out that, whereas the common-sense rule was fully recognised and had been acted upon in 1747, an Act of Parliament recites that some doubts had arisen upon it in 1764, and that all room for doubt was at once removed for the future by the same Act. Again, as to the third proposition unsolved in the Commissioner's reasoning, supposing that peers would *prima facie* be

exempt from the laws of bankruptcy, does a contrary intention sufficiently appear in the case of peers who are not traders. The case stands thus. Till 1861 only traders could become bankrupt. While this was so the Legislature enacted over and over again that members of Parliament should be subject to the bankrupt laws. In 1861 it simply said that all persons, whether traders or not, should be equally subject to the bankrupt laws, saying nothing about members of Parliament. Now, having regard to what had gone before, which is the natural construction of the enactment—to hold that "all persons" means all persons, or that it means all persons except members of Parliament? And if anything were wanting to confirm the view which, upon strictly legal grounds, we take of the matter, it is to be found in the fact that common sense and convenience are clearly in favour of it, while the contrary view introduces an absurd and purposeless anomaly.

THE ARCHDEACON OF TOTNES stated in a letter in the *Times* of Thursday last that he had been informed that the members of a chapter who should refuse to elect as bishop the person named in the royal letter missive accompanying the *congé d'élire* would not be liable to the mysterious penalties of a *præmunire* unless they elected some one else in the place of the nominee of the Crown. In other words, the Archdeacon contends that want of obedience is not disobedience. We do not think this proposition can be maintained when the words of the statute (25 Hen. 8, c. 20, ss. 4, 7) are carefully considered. By section 4 it is enacted that by virtue of the letter missive the dean and chapter to whom such letter shall be directed "shall with all speed and celerity in due form elect and choose the same person named in the said letters missive to the dignity and office of the archbishopric or bishopric so being void and none other." We presume the Archdeacon's argument would be that unless some other is elected, the dean and chapter have not completed any offence against the statute. But on turning to section 7, which imposes the penalty, we find the language is as follows:—"That if the dean or chapter of any cathedral church . . . proceed not to election . . . within the space of twenty days . . . then every dean and particular person of the chapter shall run into the dangers, pains, and perils of the statute of the Provision and *præmunire* made in the 25th year of the reign of King Edward the Third and in the 16th year of King Richard the Second." The penalty, therefore, is imposed for not proceeding to election, and would be incurred by a merely defaulting as well as by a wilfully disobedient chapter.

Our readers may be curious to learn what punishment these daring persons are liable to incur who "run into the dangers of the statute of the Provision and *præmunire*." It is in theory of a most serious nature. The statute of the Provision (which, as being levelled at the Papal power, was itself a statute of *præmunire*) is the 25 Edw. 3, c. 22, and it enacts that "he that purchaseth a provision (*i.e.*, a nomination) in Rome to an abbey shall be out of the king's protection, and any man may do with him as with the king's enemy." The tremendous severity of this law, which in fact left the unfortunate buyer of a provision unprotected in property, life, and limb, was mitigated by 5 Eliz. c. 1, s. 21, which declared that it should not be lawful to slay or kill a person attainted upon any *præmunire* (anything contained in any law of provision and *præmunire* notwithstanding). Such an one remains however, to this day, "out of the king's protection," and unable to maintain an action for any private injury.

The 16 Rich. 2, c. 5, is, *par excellence*, the statute of *præmunire*. It deals a comprehensive blow at Papal encroachments, and enacts that all offenders against the Act shall be out of the king's protection, shall have their lands, tenements, goods, and chattels forfeited to the king, shall be attached by their bodies to answer to the king and his council, or that process be made against them by *præmunire facias* in manner as it is ordained in other

statutes of provisors. The result of these two stringent enactments, modified as they are by the 5 Eliz. c. 1, is that a person who is guilty of a "præmunire" or of an offence to which the penalties of a præmunire are attached, loses all his private legal rights, forfeits his property to the Crown, and may be detained in prison during the remainder of his life.

It remains to add a few words on the meaning of the word "præmunire." The earliest Acts affecting the Papal authority were aimed, like that of the 25 Edw. 3, c. 22, at provisors, or persons who bought nominations at Rome to benefices not actually void. In the writ for the execution of these Acts the party accused was cited in a form commencing with the words "*præmoneri* or *præmunire facias* A. B.; cause A. B. to be forwarned [that he appear to answer his contempt.] Hence these statutes were ultimately called "statutes of *præmunire*," that is, statutes executed by a writ commencing with the words *præmunire facias*. The transition by which the name of the writ was affixed to the offence itself was easy, and was quickly effected. Long before the time of Henry VIII. a "præmunire" was well understood to mean the offence of illegally maintaining the Papal power. After that reign it was applied to a vast variety of acts done in derogation of the Royal supremacy, such as a refusal by a dean and chapter to obey the letter missive of the Crown nominating a bishop; and, eventually, to a number of other offences bearing little or no relation to the original signification of the word. "*Præmunire*" remains still a formidable weapon in the armoury of the law, but in practice it would probably be found too rusty to be used with much effect.

MR. GLADSTONE'S REPLY to those individuals who requested the release of Fenian convicts was a decisive negative. In that respect the right hon. gentleman correctly represented the attitude not only of the Government but of the people. Mr. Gladstone, however, couched his reply in language which is neither more nor less than argumentative and apologetic. Whatever may have been the mistaken reasons which induced Mr. Gladstone to adopt that tone, it has met with no response from the public. It is not for the Prime Minister to parley with the promoters of Fenian demonstrations. A short peremptory denial would have been far more serviceable as well as more appropriate. As it is, the enlightened agitators who figure at these demonstrations are already pluming themselves upon having "opened a diplomatic correspondence" with the Prime Minister; and Mr. Butt, Q.C., and one or two other barristers, have so far forgotten what was due to themselves and their profession as to talk clap-trap to crowded meetings of the Fenian interest.

IN OUR REMARKS last week upon the recent scene before the Beverley Election Commissioners, in which Serjeant Sleight impugned the jurisdiction of the commissioners as to all acts done since a certain time, we observed that the question might be tried by a witness disobeying the commissioners' orders, and applying for a *habeas corpus*, on being committed by them for contempt. Our remarks were rather prophetic, for an application has been made this week for a *habeas corpus* in the case of two witnesses who had resolutely declined to answer, and thereupon been committed by the commissioners to York Castle. The application is directed to be heard in court on Wednesday next.

MUTUAL LIABILITIES OF CLIENT AND LONDON AGENT OF CLIENT'S SOLICITOR.

In consequence of the centralized system of English law, litigious proceedings in the superior courts must be carried on chiefly in London, and hence country solicitors must nearly always employ agents in London who are also solicitors to conduct such proceedings. Although this practice is not only universal but necessary, there is

some doubt as to the rights and duties which flow from this agency and sub-agency. The respective rights and duties of the client and his solicitor, and of the solicitor and his agent, are pretty clear, but the relative rights of the town agent and of the client towards one another directly are not so well ascertained.

The general rule in cases when an agent employs a sub-agent is that, if such employment is authorized by the principal, the sub-agent is the agent of the principal as if directly appointed by the principal. This authority to employ a sub-agent may be implied from the usage of trade. If there is no authority to employ a sub-agent and a sub-agent is employed, he is liable only to the original agent, as then there is no privity between the principal and the sub-agent (*Story on Agency*, s. 201).

It might have been thought that as the employment by a country solicitor of a London agent in the conduct of litigation is necessary, such employment would be held to be impliedly authorized by the client between whom and the agent there would then be privity of contract. Such, however, is not the case.

First, as to the rights of the agent against the client. A London agent, acting in the ordinary course of business, cannot sue the client for his costs, but must look to the solicitor only (*Scrope v. Whittington*, 2 B. & C. 11: see also *Robbins v. Pennell* (11 Q. B. 255). Nor has the agent any direct right of lien on papers, &c., against the client, although he may have a derivative right of lien when he has a legal claim to costs from the country solicitor and the solicitor from the client. In such a case the agent has a lien against the client to the extent of the client's liability to his solicitor, but no further (*Waller v. Holmes*, 9 W. R. 32, 1 J. & H. 239; and see *Peatfield v. Barlow*, 17 W. R. 516).

Secondly, as to the rights of the client against the agent. The client has no right of action against the agent for negligence. The client's remedy is against his own solicitor only; he would, of course, generally have a remedy over against the agent. This question does not appear to have arisen, at least in any reported case, in any action, but it has been decided several times on summary applications to the Court (*Ex parte Jones* 2 Dowl. 161; *Collins v. Griffin*, Barn. 37). And this principle was affirmed in *Anon.* (Barn. 38), and in *Gray v. Kirby* (2 Dowl. 601, 606). The liability of the solicitor for the negligence of his agent is, according to these cases, very extensive. He is absolutely liable for the agent's negligence in the same way that a master is liable for the negligent acts of his servants, although as a matter of fact the agent stands rather in the relation of a contractor to the solicitor than of a servant.

The cases which establish this liability of the solicitor are not of the highest authority. They seem all to have been decided without much argument, and none of them were considered judgments, and there is no recent case on the subject. Still, while pointing this out, we do not wish to lay very much stress upon it. It may be that these cases would be upheld if the question were now to arise. It is well, however, to know precisely upon what authorities the accepted rules of law are based.

There is much doubt as to the extent of the direct liability of an agent to pay over to the client a sum of money which the agent has received in a cause. This question has arisen in four reported cases, the only ones, apparently, in which this question has received judicial decision.

We will go through the cases in their order of date. *Moody v. Spencer* (2 Dowl. & Ry. 6) was an action by assignees of a bankrupt against the agent of the bankrupt's solicitor to recover a sum of money received by the agent in the course of the conduct of an action by the bankrupt. The agent set up a lien on the money for payment of the balance due to him from the solicitor, and also that there was no privity be-

tween him and the assignees. It was held that the agent had no such lien, and the money was treated by the learned judges as being clearly the money of the assignees, and the objection of want of privity was overruled. Abbott, C.J., says, "If the bankruptcy had not taken place it is quite clear that this would have been money received to the use of the bankrupt." And Bayley, J., said, "The defendant, as agent for the attorney in the country, must have known that the money was received for the use of the assignees. The defendant must stand in the same situation as the solicitor, and before he can make any valid defence to this action he must show that the solicitor had a right to retain the money against the assignees."

In *Cobb v. Beck* (6 Q. B. 930) the plaintiff gave to his solicitor in the country a sum of money to be paid to the other side in the course of an action. The solicitor remitted a larger sum to the defendants, his agents in the action, with directions that the sum paid by the plaintiff should be handed to the other party in the action. The defendants retained the whole sum remitted to them against a balance due to them from the solicitor. In an action by the plaintiffs against the defendants for money had and received to his use, it was held that the action would not lie for want of privity. Lord Denman said, in giving judgment, "There is no privity between the agent in town and the client in the country; the former cannot maintain an action against the latter for his fees, nor the latter against the former for negligence. Something, therefore, is necessary beyond the mere relation of the parties to each other as above stated to make the agent in town liable to the client."

Hanley v. Cassan (11 Jur. 1088) is directly opposed to *Cobb v. Beck*, and in accordance with *Moody v. Spencer*. The plaintiff recovered in an action a sum of money from the defendant, who paid the sum to the agent of the plaintiff's solicitor. The agent, by the solicitor's direction, applied the money in discharge of his claims against the solicitor. An application by motion by the plaintiff that the agent should pay over the sum to the plaintiff was granted. Alderson, B., says that the agent "must be considered as having received this money as attorney for the plaintiff, otherwise we should be doing the grossest injustice to the plaintiff and the suitors of the court." The agent was treated as agent of the plaintiff, and as the settlement in account could not, without authority, be a payment as against the plaintiff, the agent had to pay the money to the plaintiff.

In *Robbins v. Fennell* (11 Q. B. 256) agents in London issued a *fi. fa.* and warrant to levy on the goods of a debtor in the country, and directed the officer to go to the country solicitors for instructions in the matter. The levy was made and the money was remitted to the agents instead of to the country solicitors, with whom the officers had not communicated. The client demanded payment of the sum from the agents, who claimed to set it off against a balance due to them from the solicitors. It was held in an action by the client against the agents for money had and received that there was no privity between them, and that the action would not lie. Subsequently, on the same facts, an application was made to the Court on motion calling on the agent to pay over the money to the client. This application was granted on the ground that the money did not come into the agents' hands as agents, but by the mistake of the officer, who should have obtained instructions from the solicitors before paying it to the agents, and that such an application as this need not rest on privity. Lord Denman also added that he was not sure whether after all an action might not have lain on the ground of a wrongful detainer by the agents.

As regards the right of action, the cases, therefore, stand thus. In *Moody v. Spencer* the action was held to lie on the ground that there is privity between a client and the agent. In *Cobb v. Beck* the direct contrary was held. In *Robbins v. Fennell* it was held that there was no privity, but Lord Denman seems to have thought that

an action might have lain under the special circumstances of the case. In *Hanley v. Cassan* the *ratio decidendi* seems to show that there is sufficient privity to support an action. The weight of authority as it thus exists is probably in favour of the proposition that there is no privity. This, however, cannot be accepted as yet settled.

As regards the right of a client to make a summary application that the agent shall pay over money in his hands to which the client is ultimately entitled, there is less doubt. In *Robbins v. Fennell* and *Hanley v. Cassan* this right was recognized and acted upon, and in the former case it was said not to depend upon privity. It seems, therefore, that cases, such as *Cobb v. Beck*, which decide that no action lies, are not necessarily authorities to show that there is no remedy by summary application, while a case like *Moody v. Spencer*, which decides that there is privity to maintain an action, is *a fortiori* an authority to show that a summary application will be granted. The case of *Peatfield v. Barlow* (17 W. R. 516), although not decided on this point, is rather in favour of the client's right to payment on summary application.

On this conflict of authorities it seems likely that the true solution of this question would be found in holding that there is no privity to support an action by a client against the agent for money received by the agent, but that the agent might be compelled to pay over such money on a summary application against him. The jurisdiction of the Courts over their own officers is of an equitable nature, and it seems reasonable that where a client is ultimately entitled to a sum of money in the hands of an agent the Court should compel such agent to pay over the money, although no action for it could be maintained by the client. This solution seems to be in accordance with the general principles of law which regulate the relation of client and agent, and also to involve the least amount of conflict between decided cases. It, however, can only be taken as a suggestion as to what may be decided to be the law when the question receives judicial decision. For the present the point must rest in doubt.

LEGISLATION OF THE YEAR.

CAP. CX.—An Act for amending the Charitable Trusts Acts.

It would almost appear as if no Act could be passed at the present day without the necessity arising ere long for another Act to be passed to amend and explain the former Act. This Act was passed for the purpose of removing certain doubts respecting the construction of some provisions of the Acts which, under section 3, may be cited, together with this Act, as the Charitable Trusts Acts, 1853 to 1869, and otherwise of amending those Acts. The amendments are chiefly of a technical character, with one exception of a somewhat important nature, of which we shall presently have occasion to speak—viz., the extension of part of the Charitable Trusts Acts, 1853 to 1869, to registered places of religious worship, which were previously exempted from the operation of the earlier Acts.

Section 4, amending section 3 of the Charitable Trusts Act, 1860, makes it unnecessary for the Board of Charitable Commissioners to notify their intention of exercising the jurisdiction to trustees who are privy to the application on which the board are about to act. Applications to the board (section 5) may be made in writing, signed by any person duly authorised by a majority of the trustees.

An important addition to the power of the board is made by section 6, which enables the board to insert in orders made by them any incidental provisions which they think expedient for carrying into effect the substantial objects of the application, and which they would have had power to insert if such provision had been included in the application. This and the two

following sections appear to be retrospective. It may fairly be asked, indeed, why so reasonable a latitude was not explicitly conceded by the earlier Acts.

Sections 7 removes the doubt whether the board are required, upon modifying a proposed order in manner provided by section 6 of the Charitable Trusts Act, 1860, after publication thereof, to give public notice of such modified order. The board now need not do so, unless they deem such notice desirable.

Section 8 removes the doubt whether the board have power to discharge orders appearing to have been made by mistake or misrepresentation, or otherwise than in conformity with the Acts. This will in most cases render it unnecessary to petition the Court of Chancery, under section 8 of the Charitable Trusts Act, 1860, to discharge or vary orders of the board. It is also formally enacted that every order of the board, until discharged or varied by the board itself, or by the Court, and subject to the power of the Court to discharge or vary such order, is to have effect according to its tenor, and be deemed to have been duly made.

Section 9, which provides that the board may employ or authorise the trustees to employ persons to prepare any scheme, order, or statement under the Charitable Trusts Acts, 1853 to 1869, is a new feature in this branch of recent legislation. The costs thus incurred are to be provided by the trustees of the charity under section 36 of the Charitable Trusts Act, 1855. This includes the costs of preparing any such scheme, order, or statement, or of any inquiry by an inspector, or of the employment of any person to appear on behalf of the respondent in any appeal against the scheme or order.

Under section 8 of the Charitable Trusts Act, 1860, any trustee or person engaged in the administration of a charity exceeding £50 a-year, as well as any two inhabitants of the district to which the same was applicable, might appeal to the Court against orders of the board. This privilege is taken away by section 10, and the right of appeal in all cases, as well as those where the charity was under £50 a-year, is restricted to the Attorney-General, or any person authorised by him, or by the board. This provision will, we think, prove beneficial.

Section 11 provides for twenty-one days' notice being served on the Attorney-General of the intention to present a petition of appeal under section 8 of the Charitable Trusts Act, 1860.

Sections 12 and 13 render no longer necessary the majority of two-thirds required by the Charitable Trusts Act, 1860, and clothe a bare majority of the trustees of a charity with the legal power of dealing with the estates, instituting suits and actions, &c., with a proviso that suits and actions shall not abate by reason of the death or removal of any of the trustees.

Section 14 empowers the trustees or governing bodies of several charities, heretofore exempted from the operation of the Charitable Trusts Acts, including the Universities of Oxford, Cambridge, Durham, and London, to apply to have the benefit of the Act. And the board on giving the usual notices may order accordingly. The reference in the margin of this section to section 3 of the Charitable Trusts Act, 1853, is erroneous, and should apparently be to section 62.

The extension of part of the Charitable Trusts Acts to buildings registered as places of meeting for religious worship with the Registrar-General (section 15) is a most important feature of this Act. Such buildings, it will be remembered, are expressly exempted from the operation of the Charitable Trust Act, 1853. But no orders are to be made with regard to such buildings unless for the appointment or removal of trustees, or for or relating to the vesting of any real or personal estate belonging thereto, or for the establishment of any scheme relating thereto, nor unless on the application of the trustees. This section must be read as qualifying the preceding section, which is couched in more general terms, so far as regards buildings registered as places of meeting for religious worship.

Section 16 relates to the scale of fees to be charged under this or any other Act, referring, we suppose, to the Charitable Trusts Acts generally.

Section 63 of the Charitable Trusts Act, 1853, and section 16 of the Charitable Trusts Act, 1860, are repealed.

The Act extends to England only.

CAP. CXI.—*An Act for the relief of archbishops and bishops when incapacitated by infirmity.*

This statute is intended, as the preamble recites, to provide for the relief of prelates "who by reason of age or any mental or bodily infirmity may be permanently incapacitated from the due performance of their episcopal duties"; and its provisions appear, upon the whole, well adapted to attain the end sought for. Certainly the Legislature has not interfered a day too soon. The state of ecclesiastical affairs in the west and south of England has for some years been highly unsatisfactory, chiefly, if not altogether, in consequence of the mental and physical infirmities of the bishops of the various dioceses into which that part of the country is divided. But already there is an improvement, and very soon it may be hoped that the new Act will effect a complete and thorough cure. Nothing is required for its successful working but a frank recognition—such as Lord Auckland has set the example of making—on the part of those bishops who are really incapable of duty, of that incapacity, or if no recognition of the sort is forthcoming a prompt application, if possible, of the alternative remedy prescribed by the Act. The best course is no doubt that an incompetent prelate should abdicate in name as well as in substance. But if he declines to do so, the reins ought to be taken from his hand and given into those of a coadjutor without delay. Unfortunately the portion of the statute relating to "bishops-coadjutors" is not so broadly framed as that relating to the resignation of bishops. But although imperfect it will probably be useful in extreme cases. The difference between the two sets of provisions will become apparent from the analysis of the Act which we now proceed to give.

First, with regard to resignation, section 2 empowers an archbishop or bishop to represent to her Majesty that he is incapacitated by age or some mental or permanent physical infirmity from the due performance of his duties, and thereupon the Queen may, if satisfied of such incapacity, and of the canonical resignation of the applying prelate, declare the see vacant, and then proceed to fill it up accordingly. The new bishop will receive all the emoluments of the see except a sum of £2,000 a-year, or of one-third of the whole income of the see, whichever shall be the greater, which the retiring archbishop or bishop is to retain by way of pension. The latter may also, upon special grounds, retain his episcopal residence. These terms seem to us sufficiently liberal, although the scale of allowance is not equal to that on which judicial retiring pensions are granted. The incoming bishop is properly relieved from paying any fees, except for necessary expenses, until the death of the retiring bishop.

It will be observed that there are three grounds, upon either of which a prelate may represent himself as "incapacitated." First, his age, which alone will entitle him to relief under this section. The precise period at which her Majesty will regard age to be of itself a sufficient cause of incapacity is wisely left undefined; but no doubt the mere weight of years does in many cases disqualify a man for work as permanently and entirely as active physical disease or ascertained mental infirmity. Secondly, we have "some mental infirmity"; not necessarily a permanent infirmity, but one which, although intermittent, still "permanently incapacitates" the sufferer. Numerous mental disorders will fall under this description. Lastly, we have "some permanent physical infirmity," a valuable head of exemption. A bishop, although young as bishops count their years, and

although in perfect possession of his faculties, is still unfit to preside over a diocese if he is physically unable to visit and inspect the parishes it contains. The eye and voice of a vigilant bishop are, as experience proves, wonderful incentives to parochial exertion.

We now come to the second part of the Act, which deals with cases of "permanent mental infirmity." Of course where there is such infirmity existing, the sufferer cannot avail himself of the first alternative of resignation. For resignation must be voluntary, and at the bishop's own instance; and an imbecile bishop has no will to exercise. The wants of a diocese in such a case are to be met by the appointment of a "bishop-coadjutor." Section 3 enacts that if it appears to any archbishop "on credible evidence" that any bishop within his province is incapacitated by reason of permanent mental infirmity from the due performance of his duties, he, with the aid of two of his suffragans, may institute an inquiry, and, if satisfied of such incapacity, shall certify the facts to one of the Secretaries of State. Section 4 empowers her Majesty, on receipt of such certificate, to appoint a bishop-coadjutor. We regret to see that the clumsy fiction of election by the dean and chapter is preserved. The 5th section defines the relative positions of the bishop and bishop-coadjutor. It fixes the salary of the latter, in whom all the spiritualities and the patronage of the see are to vest, at £2,000 a-year, to be allowed out of the income of the bishop, or (section 3) £3,000 a-year in the case of a bishop-coadjutor to an archbishop. The bishop-coadjutor is, generally speaking, to succeed to the see he has been administering as a matter of right on the death of the incapacitated prelate, but the power of "translation" is reserved to the Crown (section 13), provided that it be so exercised as to leave some archbishopric or bishopric vacant for the bishop-coadjutor. This power of translation is scarcely likely to be exercised except in the case of a bishop-coadjutor having been appointed to one of the Provinces, or to one of the three principal sees of London, Durham, or Winchester.

There remain a few remarks to be made on the miscellaneous clauses of the Act. Section 6 provides for the conduct of the inquiry into a bishop's incapacity. It is to be made after notice to the registrar of the diocese, and the bishop may be represented at it, and evidence on his behalf may be adduced. The witnesses may be sworn or not, and may be examined in writing or orally, as the tribunal of inquiry deem expedient. Persons making false statements wilfully are to be guilty of a misdemeanour. The expenses of the inquiry are to be defrayed (section 8) out of the revenues of the bishopric. By section 7 the inquiry may be dispensed with where any bishop has been found by due process of law to be a lunatic or of unsound mind.

Section 11 applies both parts of the Act to the see of Sodor and Man, but in his case the retiring pension is fixed at £1,000 a-year, and the salary of a "bishop-coadjutor" to him at the same sum. It should be added that the duration of the Act is limited (section 16) to two years.

CAP. CXIII.—*An Act to prohibit for a limited period the importation and to restrict and regulate the carriage of nitro glycerine.*

The alarm caused by the explosions of nitro glycerine that have taken place on various occasions has produced a very stringent statute for regulating the carriage, &c., of this material. Its importation and exportation is forbidden altogether, subject to the provision that one of the Principal Secretaries of State may licence the exportation or importation of any substance having nitro glycerine for one of its ingredients if it is shown that such substance may be safely shipped and unshipped.

The manufacture, sale, carriage, and possession of nitro glycerine within the United Kingdom is forbidden except under the licence of one of the Secretaries of State, and subject to any restrictions or prohibitions in such licence.

Search may be made for nitro glycerine in the same way that gunpowder may be searched for under 23 & 24 Vict. c. 139.

The penalty for the infringement of the statute is imprisonment for any term not exceeding one year, with or without hard labour, or a fine not exceeding £500. The Act extends to Great Britain and Ireland, and came into force as to the exportation, &c., on the 11th August, 1869, and as to the carriage, manufacture, &c., weeks later.

CAP. CXIV.—*An Act to amend the law relating to the abandonment of railways and the dissolution of railway companies.*

Until 1850 the Legislature provided no machinery for winding up insolvent railways. Joint-stock companies, if unsuccessful, were sooner or later wound up under the Joint-Stock Companies Winding-up Act in force for the time being; but for unhappy railways no such *quietus* was provided. Although the company might be a burden alike to shareholders, the creditors, and the public, there were no means of terminating its troublesome existence. Like one of Swift's Struldbrugs, it was doomed to a perpetual existence. The Railways Abandonment Act, 1850, empowered the dissolution of any railway company at that time incorporated, upon an application by the company, in manner provided to the Railway Commissioners, for which latter Board an Act of the next session substituted the Board of Trade. This Act of 1850, therefore, did not apply to lines subsequently originated, and in one or two instances resort was had to a special Act for the winding-up of companies whose condition was considered hopeless. Two Acts of 1867 "revived and amended" the provisions of the Act of 1850 as to Scotland and England respectively. By the latter Act the provisions of the Act of 1850 are to apply to all companies authorised before the then present session, substituting for the Joint-Stock Companies Winding-up Act, 1848, applied in the Act of 1850, the Companies Act, 1862. Now, the Joint-Stock Companies Winding-up Act, 1848, made no provision for winding-up at the instance of a creditor, while, under the 1862 Act, creditors as well as shareholders may obtain a winding-up order upon petition. The principal object of the present Act is to remove a doubt which had arisen whether under the Act of 1867 persons other than shareholders might or might not petition for the order, and the Act prescribes accordingly that judgment-creditors may so petition. This is the real substance of the Act; the details must be left to the reader's own inquiry.

CAP. CXV.—*An Act for amending the law relating to hackney and stage carriages within the Metropolitan Police District.*

This statute empowers one of the Principal Secretaries of State to grant licences to hackney and stage carriages—i.e., to cabs and omnibuses, and to their drivers and conductors, in such form, at such time, and on such conditions as he may prescribe, subject only to some conditions, the most important of which is that the licence for any hackney or stage carriage shall not exceed £2 2s. The licence for drivers or conductors shall not exceed five shillings. Such licences if not revoked or suspended to remain in force for one year. Power is also given to the Secretary of State to make orders for the general management and regulation of hackney and stage carriages, subject to certain specified restrictions. The rest of the Act deals with the infliction and recovery of penalties, the mode of granting licences, and other similar provisions for carrying out the object of the Act.

No former statutes or parts of statutes are repealed, and the Act comes into force on the 1st January next. It applies only to the Metropolitan Police District and the City of London.

THE FIRST DAY OF TERM.—Tuesday next is the first day of Term. The Lord Chancellor will give his reception, and a procession will be formed from his mansion in Great George-street to Westminster-hall.

RECENT DECISIONS.

PRIVY COUNCIL.

LIABILITY OF OWNERS OF VESSEL FOR DAMAGE CAUSED BY NEGLIGENCE—COMPULSORY PILOTAGE—"PASSENGERS"—MERCHANT SHIPPING ACT, 1854, SS. 379, 388.

The Lion, P.C., 17 W. R. 993.

By the provisions of the Merchant Shipping Act, 1854, s. 388, owners of vessels are not liable for damage caused by their vessels through the negligence of the pilots in charge of them when the employment of such pilots is compulsory. If a pilot is employed when it is not compulsory to do so, the owner of the vessel is liable for the consequences of the pilot's negligence, as the pilot in such a case is a servant voluntarily employed by the shipowner.

By section 379 of the Merchant Shipping Act, 1854, vessels "not carrying passengers" are exempted in certain cases from compulsory pilotage.

The *Lion*, whilst in charge of a pilot, negligently ran into another vessel, and caused considerable damage. Pilotage would have been compulsory if the *Lion* had been carrying passengers, but not otherwise. At the time of the collision the captain's wife and father-in-law were on board by the captain's invitation, and were being conveyed to Hull, the *Lion's* destination. Neither the owners of the *Lion* nor their agents were informed that these persons were on board. At the time of the collision they had not paid or agreed to pay for their passage. Subsequently they paid their fare.

The chief question was whether the captain's wife and father-in-law were, under the circumstances, "passengers." It was held, affirming the decision of the Court below, that they were not passengers at the time of the collision, and that no subsequent arrangement as to the payment of a fare could convert them into passengers, so as to render the pilotage of the *Lion* compulsory, and her owners were, consequently, held liable for the pilot's negligence.

This decision is to a great extent a mere question of fact, but it also involved a consideration of the legal question what is a "passenger" within the meaning of Merchant Shipping Act, 1854, which contains no definition of the word. Sir R. Phillimore in the court below, without defining the meaning of the word "passenger," decided that payment of a fare was a necessary ingredient to constitute the status of passenger. The Court of Appeal deals very shortly with the meaning of the word, but they do not lay down that payment of a fare is necessary to constitute a passenger. From the wording of one or two passages in the judgment it would seem that the test would be whether the owners were under any obligation or duty towards those on board alleged to be passengers. In this case, of course, there was under the circumstances no such obligation or duty towards the captain's wife and her father, and on this ground they were held not to be passengers.

This seems, perhaps, a better test than the payment of a fare. Cases might easily be suggested which are not of infrequent occurrence where persons are carried on board vessels without payment of a fare, and yet towards whom the shipowner is under an undoubted duty to use due care in their conveyance. It could hardly be decided that such persons are not passengers.

CRIMINAL PROCEDURE—NEW TRIAL—FELONY.

Reg. v. Murphy, P.C., 17 W. R. 1047.

One of the defects of English criminal procedure is the want of a satisfactory court of criminal appeal, with power to grant new trials when necessary, as well as to consider points of law, whether reserved by the judge at the trial or not. The Court for the Consideration of Crown Cases Reserved was created to supply this want, but it has so limited a jurisdiction that it is little more

than a mere shadow of what an appeal court ought to be, and the want remains as much felt as ever.

Reg. v. Murphy, although a colonial case, illustrates this evil of English law very well. The appeal came from the colony of New South Wales, which is governed by English law.

Murphy was found guilty of a felony and sentenced. *A venire de novo*, in other words a new trial, was moved for and granted by the Supreme Court of New South Wales on an affidavit by Murphy's attorney. The affidavit stated that the deponent had been informed by one of the jurors who found Murphy guilty that during the trial, and while the jury were in confinement, they were allowed free use of the newspapers of the day, which contained an account of the trial as far as it had then gone. This was all the evidence before the Supreme Court.

The Judicial Committee of the Privy Council reversed the order for the new trial, first, because there cannot be a new trial after a verdict of felony; and secondly, on the ground that even if there could be a new trial there was no sufficient evidence of any facts to induce the Court to grant it.

In deciding the first point the Court followed their own decision in *Reg. v. Bertrand* (16 W. R. 9), where this point was expressly decided, overruling the remarkable case of *Reg. v. Scaife* (17 Q. B. 238). The evidence of the irregularity was considered insufficient because it was only hearsay evidence, the alleged informant was one of the jurymen, and the affidavit "only showed possible access to newspapers without showing that they contained matter which tended to influence the jury improperly, or that the jury ever did as a matter of fact read the newspapers." On these grounds the order of the Supreme Court was reversed.

The conclusion of the judgment of the Judicial Committee is well suited to draw attention to the faults of our criminal procedure. "If irregularity occurs in the conduct of a trial not constituting a ground for treating the verdict as a nullity, the remedy to prevent a failure of justice is by application to the authority with whom rests the discretion either of executing the law or commuting the sentence." That is, if there is an irregularity in a criminal trial the person convicted must either undergo the sentence, notwithstanding the irregularity, or be pardoned. It is difficult to find an argument in favour of a system of procedure which renders such a state of things possible when it might easily be avoided. Such, however, is the law.

The Judicial Committee, in conclusion, recommend that an application should be made in this case for pardon.

Reg. v. Murphy decides no new point of law, and we notice it chiefly on account of its being a good example of one of the evils of our present criminal procedure. It may, however, be a useful authority on the question what amount of evidence a Court should require before granting a new trial for irregularity in a civil cause.

EQUITY.

PROOF BY CREDITOR HOLDING SECURITY.

Re Oxford and Canterbury Music Halls Company, V.C.J., 17 W. R. 1086.

The partially secured creditor of a bankrupt can only prove in the bankruptcy for what remains due to him after he has realised his security. On the other hand, the creditor of a company in liquidation is entitled to prove in the first instance for the whole amount of his debt as it stood on the day when the claim was sent in, irrespective of the value of his security. By so doing he gets the proceeds of his security when it comes to be realised in part payment of the debt as well as such dividends upon the whole amount of the debt as the assets of the company will allow of his receiving, or as may suffice to satisfy his claim. He is then in a better position, *ceteris paribus*, than the creditor of a bankrupt estate (*Killoch's case*, 16 W. R. 919). But in order to

reap the benefit of this decision he must not have dealt with his security before he carries in his claim. If he has realised his security, it is needless to say that he can only prove for the balance remaining due to him, so that he is reduced to the position of the creditor of a bankrupt estate. Even if he has done no more than agree to sell his security under a power of sale or by arrangement with the company, it matters not whether he has actually received the proceeds or not, his debt is satisfied to the extent of the purchase-money of the security, and he must take credit for it in making out his claim (*Re Oxford and Canterbury Music Halls Company*, 17 W. R. 1086). Everything then depends on the creditor getting his proof allowed before he deals with any securities he may possess. *Conpland's case* (17 W. R. 1055) is much to the same effect. To have the benefit of the rule in *Kellock's case* the creditor must have the bills in his hands at the time when he carries in his claim. If he subsequently takes up the bills and receives the proceeds of the security, he will not be allowed to prove for more than the difference between the amount received on the security and the amount due to him on the bills.

PRESUMPTION OF DEATH.

Re Francis Phené's Trusts, V.C.J., 17 W. R. 1087.

When a person has been absent seven years without being heard of, the presumption of law arises that he is dead. This presumption has been said to have been adopted by analogy with the statutes of bigamy, the earliest of which is 1 Jac. 1, c. 11, and 19 Car. 2, c. 6, the second section of which enacts that where persons for whose lives estates are granted absent themselves seven years together they shall be accounted as dead (*Holman v. Euton*, Carth. 146), although it appears to us more likely that the statutory period was taken with reference to the general presumption of law. This presumption, however, has reference only to the fact, and not to the period, of the death. The Court of Exchequer Chamber expressly laid down in *Nepean v. Knight* (2 M. & W. 894), affirming the decision of the Court of King's Bench (5 Bar. & Ad. 93), that there is no legal presumption as to the period of death, which depends on the accompanying circumstances of the case, such as the age, state of health, and situation of the person when last heard of. The party who alleges that a missing person died at, or was dead before, any particular period of the seven years since he disappeared, must prove it to the satisfaction of the Court. Of all points of time within the seven years the last day is the most unlikely to have been the day of the death of the missing person, as Lord Denman said in *Nepean v. Knight*. But in the total absence of evidence one way or the other, the presumption will be that the missing party was dead on the last day of the septennial period, and also that he was alive until that day. That was the view taken by Vice-Chancellor Malins in *Re Benham's Trusts* (15 W. R. 741), the case of a man who disappeared in 1854. The testator died in 1860, and the Vice-Chancellor presumed the missing man to have survived him, in the absence of evidence to the contrary. The order in this matter was discharged by Lord Justice Rolt (16 W. R. 181), who directed further inquiries, but the principle of the Vice-Chancellor's decision was not impeached. In deciding *Re Francis Phené's Trusts* the Vice-Chancellor disapproved of the decision in *Re Benham's Trusts*, on the ground that the time of death was a matter of evidence, not of presumption; and that a person who claims a legacy to which he would be entitled if a person who has been missing for seven years lived until the last day of the term is bound to prove that such was the fact. This, at all events, is certain, that the Courts are in the habit of directing further inquiries where there is the slightest prospect of their being of any use, and of requiring an undertaking, or occasionally recognizances, from the claimants (*Bailey v. Drummond*, 7 Ves 590) to refund in

case the missing party should be living or should have died at such a period as to disentitle the claimant. (And see *Re Allin's Legacy*, 15 W. R. 1164.)

PRIVILEGE.

Burton v. Lord Darnley, V.C.M., 17 W. R. 1057; *Ramsbotham v. Senior*, *ib.*

It is of the utmost importance that confidential communications between solicitor and client should be privileged. A solicitor is not at liberty to disclose what has been confided to him by a client, even though the latter be not in any shape before the Court (*R. v. Withers*, 2 Camp. 578); and the restriction continues after the relationship of solicitor and client has ceased to exist. But it must be remembered that the solicitor's knowledge thus acquired is the property of the client, and it is the privilege of the client, not of the solicitor, that it should not be divulged (*Beer v. Ward*, Jac. 77). Hence the principle on which both *Burton v. Lord Darnley* and *Ramsbotham v. Senior* were decided. Where a client is in contempt for refusing to give information of a fact, the solicitor, as an officer of the court, may not aid and abet his client in concealing from the Court a fact, in the concealment of which the contempt originally consisted. Whether knowledge of the fact came to him confidentially or not makes not the least difference; he is in duty bound to assist the Court if called on to do so. In point of fact the rule as to privilege only applies between ordinary litigants. It does not extend to cases where the contest is with the Court itself. The solicitor has no right to conceal that which the client would be compelled to disclose if within the reach of the Court. As Lord Nottingham pointed out in *Rothwell v. King* (2 Swan. 221n.), justice might be defeated if the rule were otherwise.

In the case before us the Vice-Chancellor does not appear to have considered that any difference existed as regards privilege between the envelopes of letters addressed by the party in contempt to her solicitor and the letters themselves, as was argued at the bar; but to have limited his order to the production of the envelopes solely because the letters were without an address, while the envelopes bore the numerical effacing stamp of the Post-office, whereupon the place were the letters were posted could be ascertained. Had there been anything to be gained by ordering the production of the letters, we imagine that the Vice-Chancellor would have felt at liberty to make the order, having regard to the fact that the party was under the circumstances entitled to no privilege whatever, and her solicitor could not claim on her account any further protection than she could herself have claimed.

COMMON LAW.

BANKRUPTCY—DEED UNDER SECTION 192 OF THE BANKRUPTCY ACT, 1861—COMPANIES ACT, 1862, s. 75—BANKRUPTCY ACT, 1861, s. 153.

Financial Corporation Company, Limited, v. Lawrence, 17 W. R. 854; *Johnson v. Scaffe*, 17 W. R. 1098.

We notice these two cases together because they both involved questions relating to the law of proof in bankruptcy, which will be very much altered by the new Bankruptcy Act of last session. Notwithstanding the change in the law, questions of this sort under the Act of 1861 will occasionally arise for some time, because a debt which can be proved is barred by bankruptcy even although not proved; consequently whether or not a plaintiff has a cause of action may depend on whether the claim could have been proved in bankruptcy. Questions like these are as likely to arise for some time after the repeal of the Act of 1861 as they were to arise before the repeal.

In the *Financial Corporation v. Lawrence* the action was for calls. Plea—That the company was being wound up, and that the defendant had executed an inspectorship

deed under section 192 of the Bankruptcy Act, 1861. Replication—That the call was made after the execution of the deed and before the winding-up commenced. Rejoinder—That when the winding-up commenced the estate comprised in the deed had not been distributed amongst the creditors.

The substantial question was whether these calls could have been proved under section 75 of the Companies Act, 1862, as it was pretty clear that they could not have been proved under the Bankruptcy Acts of 1849 or 1861. That section provides that "in the case of the bankruptcy of any contributory the estimated value of his liability to future calls" may be proved upon his estate.

It was decided in *Martin's Patent Anchor Company v. Morton* (L. R. 3 Q. B. 306) that this section does not apply unless the bankruptcy of the contributory is contemporaneous with the winding-up of the company. The meaning, however, of "contemporaneous" was not clearly explained. In the *Financial Corporation v. Lawrence* the bankruptcy (i.e., its equivalent, the distribution of property under the deed) and the winding-up were in one sense clearly contemporaneous, as the winding-up commenced before the property was distributed.

It was held that section 75 only applies to cases where the commencement of the winding-up precedes the bankruptcy, and that, therefore, proof could not have been made for these calls, and that the plaintiff was entitled to recover.

This case does not conflict with the decision in *Martin's Patent, &c., Company v. Morton*, but it will be found to be inconsistent with some of the *dicta* of Lush, J., in the latter case. The law as settled by these two cases is that the winding-up must not only be contemporaneous with the bankruptcy, but the commencement of the winding-up must precede it. It was taken for granted, rather than seriously argued or decided, that the liability for the calls could not have been proved under the Bankruptcy Acts.

In *Johnson v. Scaffe* the question was as to the construction of section 153 of the Bankruptcy Act, 1861, which first gave a right of proof for unliquidated damages. The nature of the liability which may be proved is described in the section as "a liability by reason of any contract or promise to a demand in the nature of damages." It was held that this section only applies to "express contracts which raise a demand in the nature of a debt technically so called." The Court, therefore, decided that the liability of a tenant to repay to his sub-tenant the amount which the sub-tenant has been obliged to pay to recover his goods when distrained by the superior landlord for the tenant's rent is not such a liability as is contemplated by section 153, as it is rather in the nature of an action of tort than of contract, and cannot be considered a liability "by reason of any contract or promise."

The judgments do not contain any satisfactory definition of the class of contracts that come within section 153. "Express contracts" is an ambiguous expression, and it seems likely that some contracts at least which are not usually comprehended under this term would yet be held to be within section 153.

The new Bankruptcy Act, 32 & 33 Vict. c. 71, which comes into force on the 1st of next January, alters very much the law with respect to claims for contingent liabilities and unliquidated damages. It seems clear that by section 31 a possible future liability for calls might be proved. The terms of that section are as wide as they can be, and seem to extend to any possible liability, whether liquidated or unliquidated, arising from a contract. It is, however, to be construed subject to this provision, that "demands in the nature of unliquidated damages, arising otherwise than by reason of a contract or promise, shall not be provable in bankruptcy." It may be doubtful, therefore, whether a claim such as that in *Johnson v. Scaffe* would come within the section. The words "by reason of any contract or promise" which are in section 153 of the Act of 1861, are repeated in section 31 of the new Act,

and *Johnson v. Scaffe* will, therefore, be some authority for the construction of section 31, although of course it by no means follows that words in one statute should have the same construction as the same words in another statute. The whole statute must be considered before the construction of one of its sections can be ascertained.

REVIEWS.

Reports of the Decisions of the Judges for the trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868. Part II. By EDWARD LOUGHLIN O'MALLEY, Esq., and HENRY HARCASTLE Esq., Barristers-at-Law. London: Stevens & Haynes. 1869.

We noticed (*ante* page 744) the first part of these reports, and then pointed out that they were rather a compilation from the shorthand writers' notes than original reports. Part II. now published contains the cases relating to Tamworth, Westminster, Coventry, Bridgewater, Bodmin, Penrhyn, Salford, and Beverley; all of which arose out of charges of corrupt practices, and the reports of which contain *dicta* of the judges more or less instructive on "agency," "treating," "corrupt intention," and the like. As to the reports of these cases, we are able to repeat the remark made as to those contained in the first part, that the work of the reporters or compilers seems well done. Part II., however, also contains reports of the Oldham, Northallerton, and Bewdley cases, which were scrutinies, and in which many points relating to the right to vote were decided. We are informed by a prefatory note appended to this part that it was brought out somewhat earlier than had been intended, in deference to the suggestion which had been made (referring probably to that made by us *ante* page 744) that a report of the scrutiny cases might be useful in the revision of the lists of voters of the present year.

We fear, however, that the reports given of the points decided are in many cases too concise to be of much use for registration purposes. We do not know whether there has been a little too much haste on the part of the compilers, or whether, which is not unlikely, the shorthand writers' notes, when referring to the extremely technical points arising upon a scrutiny, many of which also depend upon the wording of documents, such as lists and notices, and which are not of course copied, are not sufficiently accurate to enable the compilers to produce from them a perfect report. It ought, however, to have been obvious to the reporters that the facts of the various cases arising during the scrutinies should have been given with greater minuteness than was requisite in the corrupt practices cases. In the latter, the facts are not likely to recur again precisely in the same form, so that it is rather as *dicta* of the judges' explanations of the law than as actual decisions that the cases are valuable. It is, therefore, only necessary so far to give the facts as to prevent a wrong interpretation being put on what the judge may have said. Upon a scrutiny, however, upon each vote there is usually a decision which may be quoted afterwards as an actual authority. The following is an instance of the vagueness of these reports:—

"Service of notice.) It appeared that a voter Lees had of objection necessary.) never been served with notice of objection, but had been struck off by the revising barrister; he had tendered his vote for Cobbett and Spinks, but it had not been counted."

"Held, that the vote must be counted."

Now, it is impossible that the judge, in the face of the 100th section of the Registration Act of 1843, providing for a special method of proving service of notices of objection by a post office stamp, and the express decision in *Bishop v. Helps* (2 C. B. 43) upon that section, could have held that actual service of the notice was necessary. Yet this is what the report given would lead anyone to suppose. If the reporters had given the whole facts as to this case, such as what the actual qualification of the voter was, and the manner in which it was entered upon the list, or the other circumstances, whatever they were, upon which the judge's decision was based, and especially whether notice of objection had been given in the usual way, though not actually served, it is probable that it would have proved to be a valuable decision to revising barristers. As it is, it is perhaps a little worse than useless, being capable of misinterpretation.

Several other cases are given almost as vaguely, and we think the reporters, if they had no materials for completing their notice of these cases, would have done well to omit them, and confine their attention to those decisions of the judge of which they were able to give, and have given, a better report.

COURTS.

COUNTY COURTS.

LAMBETH.

(Before J. PITT TAYLOR, Esq., Judge.)

Oct 27.—*Marsh v. Jones.*

The meaning of the terms "cash" and "credit."

The plaintiff, a coal merchant, claimed £3 12s. for three tons of coals sold and delivered to the defendant. The plaintiff's traveller stated that his house did business only for ready money. He always sent a receipted bill with the goods and expected the carman to bring back the money. Had had several transactions before with the defendant, who persistently refused to pay on delivery, and sometimes had delayed four or five weeks notwithstanding numerous calls being made upon him. In this case the traveller had called several times during the three weeks or more subsequent to the delivery, and was at last told very rudely by the defendant that his credit had not expired and he should not pay until the end of the month; thereupon the traveller took out this summons. As soon as the summons was served on the defendant he sent £3 9s. to plaintiff's office, where it was received by the traveller's wife in ignorance that a summons had been issued. The contention of the plaintiff was, that as the defendant had not paid on delivery he was not entitled to deduct the one shilling per ton allowed for cash, and also, that as defendant had delayed payment until a summons was issued he was bound to pay the costs.

The defendant contended that "cash" meant a month's credit, and the plaintiff had no right of action until the month expired, and as he had brought his action too soon he was not entitled to any costs.

Mr. PITT TAYLOR said a receipt which had been produced referring to a previous transaction, showing a payment a fortnight after delivery with the discount allowed, and disposed of the plaintiff's statement as to allowing no discount unless payment was made on delivery. As to the question of costs and the expiration of credit, the defendant was entirely in the wrong. If a tradesman offered a discount on early payment, that did not deprive him of his right of action as soon as the goods were delivered, unless there was a specific contract as to the time of payment. The contrary doctrine involved a *reductio ad absurdum*. For instance, it was a common practice with wine merchants to put upon their bills something to this effect,—fifteen per cent. off for cash in three months, ten per cent. for cash in six months, five per cent. in nine months, and so on. It would be absurd to say this entitled the customer to credit for nine months, or for any longer term that might be named on the bills. The plaintiff had clearly a right to issue his summons when he did, and defendant must pay the costs.

APPOINTMENTS.

Mr. EDWARD STRATHEARN GORDON, Q.C., of the Scotch Bar, has been unanimously elected Dean of the Faculty of Advocates, in the room of Mr. Moncrieff, appointed Lord Justice Clerk. Mr. Gordon is a son of the late Major John Gordon, of the 2nd Queen's Regiment, and was born in April, 1814. He was educated at the University of Edinburgh, and was called to the bar in Scotland in 1835. Mr. Gordon was sheriff of Perthshire from 1858 till July, 1866, when he was appointed Solicitor-General for Scotland in the third administration formed by the late Lord Derby. In March, 1867, on Mr. Patton becoming Lord Justice Clerk, Mr. Gordon was promoted to be Lord Advocate, and occupied that position till Mr. Disraeli's ministry resigned in December, 1868. He was returned to Parliament as member for Thetford in December, 1867, but was unsuccessful at the last general election, when he contested the seat given by the new Reform Bill to the Universities of Glasgow and Aberdeen, Mr. Moncrieff, who succeeded him

as Lord Advocate, being the successful candidate. Mr. Gordon is again a candidate for the representation of the universities, now vacant by Mr. Moncrieff's elevation to the Scotch Bench.

Mr. WALES C. HOTSON, barrister-at-law, of the Norfolk Circuit, has been appointed by the Dean and Chapter of Norwich to be Capital Coroner within their liberties, and a Justice of the Peace for the Cathedral Precincts, in the room of the late Chancellor Evans, deceased; and he has also been appointed a Surrogate or Deputy of the Chancellor of the Diocese of Norwich. Mr. Hotson was called to the bar at Lincoln's-inn in June, 1841.

Mr. HENRY J. TARRANT, barrister-at-law, has been appointed by the Government of India to perform the duties of Recorder of Moulmein during the absence of Mr. Coryton on leave. Mr. Tarrant was educated at Magdalen Hall, Oxford, and was called to the bar at the Middle Temple in June, 1862; he was formerly a member of the Western Circuit, but had recently joined the Calcutta Bar.

Mr. JOHN HASSARD, solicitor, of Dean's-yard, Westminster, has been appointed Secretary to the newly-consecrated Bishop of Salisbury (Dr. Moberley). Mr. Hassard took out his certificate as a solicitor in Michaelmas Term, 1853.

Mr. JOHN CURTLER, solicitor, of Droitwich, and clerk to the county magistrates of that division, has been appointed an Inspector under the Contagious Diseases (Animals) Act of 1869 for the Droitwich District.

Mr. JOHN WHITE, solicitor, of Budge-row, Cannon-street, has been appointed a Perpetual Commissioner for taking the acknowledgments of deeds by married women, in and for the city of London, the city and liberties of Westminster, and the counties of Middlesex, Surrey, and Kent.

Mr. WILLIAM COLLISSON, solicitor, of Bedford-row, has been appointed a Perpetual Commissioner for taking the acknowledgments of deeds by married women, in and for the county of Middlesex, also in and for the city and liberties of Westminster and the city of London.

Mr. HENRY BORRON FFARINGTON, solicitor, of Chancery-lane, has been elected honorary secretary to the Metropolitan Conservative Association. Mr. Ffarington was certificated as a solicitor in Hilary Term, 1857.

GENERAL CORRESPONDENCE.

THE BANKRUPTCY ACT, 1869, SECTION 72.

Sir,—In commenting upon the provisions of the new Bankruptcy Act, I do not perceive that either you or any of your contemporaries have noticed a point which appears to me of the greatest importance both as respects the public and the profession. I allude to the extended jurisdiction which has, I think, been conferred, upon the Court of Bankruptcy as hereafter constituted, and which is defined in section 72.

At present, as is well known, the jurisdiction is defined by the 12th section of the Act of 1849, and sections 136, 188, and 197 of the Act of 1861, and as such extends over bankrupts' assignees and creditors who have either submitted to the jurisdiction of the Court by their acts, or invoked its aid themselves. So also a debtor and his creditors who either assent or are bound to the provisions of a deed become subject to the jurisdiction of the Court, but here it stops, and assignees must enforce their rights elsewhere.

The wording of the 72nd section is much more extensive, and would seem to carry with it the power of adjudicating upon all questions in which the estate of a debtor is interested; as, for instance, fraudulent preferences, bills of sale, and such other questionable securities which have to be inquired into before there can be "a complete distribution" of property, or before "complete justice can be done."

Is not this the fair meaning of the clause? and, if so, has not a new and complete system of fusion, almost amounting to a revolution, been inaugurated? And what about the Court which has to administer such a jurisdiction? It may be all very well when exercised in London by the kind of judge who will preside there, but what will be the consequences in the country?

F. K.

OBITUARY.

MR. JOHN KITSON.

The death of Mr. John Kitson, the oldest solicitor of Norwich, and registrar of the diocese, took place at his residence, Thorpe Hamlet, near that city, on the 20th October, at the venerable age of eighty-one years. Mr. Kitson had been on the roll of solicitors since Trinity Term, 1808, and had held the office of secretary to the Bishops of Norwich for no less than fifty-eight years, having been appointed by Bishop Bathurst in 1811, and continued by his successors, Bishop Stanley, Bishop Hinds, and the present prelate. He had also been registrar of the diocese since 1825, and was also Chapter Clerk, and registrar to the Dean and Chapter of Norwich. For the last ten years Mr. Kitson had likewise held the office of District Registrar of the Court of Probate at Norwich, and these various appointments are rendered vacant by his death. Mr. Kitson had during his long life taken an active interest in the charitable and other institutions of Norwich, and at the time of his death he was Vice-Chairman of the Charity Trustees, a Trustee of Norman's Charity, one of the secretaries of the Diocesan Society for the Education of the Poor, one of the Committee of the Norwich Charity Schools, and a Trustee of the Norwich Union Fire Office. Few men were better known in the eastern counties, and, according to the local chronicler, "he never made an enemy or lost a friend." His remains were interred, on the 25th October, at Reedham, between Norwich and Yarmouth.

SOCIETIES AND INSTITUTIONS.

SOLICITORS' BENEVOLENT ASSOCIATION.

The twenty-third half-yearly general meeting of the members and friends of this association was held at the board-room, Museum street, York, on Wednesday, the 20th inst. (during the sittings of the Metropolitan and Provincial Law Association), in the presence of a very numerous assemblage of members of the profession, including the principal local solicitors and others from London and various provincial towns.

Mr. J. J. P. Moody, town clerk of Scarborough, and president of the Yorkshire Law Society, having taken the chair, called upon the secretary, (Mr. Eiffe) to read the notice of meeting, and the minutes of last meeting, after which the following report of the directors was read:—

"The directors have much pleasure in availing themselves of the opportunity afforded by the meeting of the Metropolitan and Provincial Law Association at York, to present before an assemblage of their professional brethren in that ancient city this their twenty-third half-yearly report of the progress and operations of the Solicitors' Benevolent Association, in the prosperity of which institution the directors cannot doubt that the solicitors of Yorkshire will manifest as warm an interest as has been generously evinced by their brethren in other important districts of the kingdom.

The objects of the institution are so deserving that they must commend themselves to the sympathy and support of every member of the profession, and it is with much satisfaction that the directors are enabled to report the continued advancement of the institution, and its consequent steadily increasing stability and efficiency for the discharge of those beneficial functions for which it was founded.

Since the last half-yearly report was presented seventy-four new members have joined the association, making, with the additions in the previous six months, an increase during the whole year of 167 new members. The association now consists of 2,021 members, of whom 702 are life and 1,319 annual. Twenty-two of the life members are also annual subscribers.

The usual audited abstract of the accounts is appended, from which it will be seen that the receipts during the half-year amount to £1,364 1s. 0d., which, added to those of the previous six months, give a total of £3,295 10s. 4d. as the receipts for the year.

The late deeply lamented Lord Justice Sir Charles Jasper Selwyn presided over the annual festival in June last, when the high estimation and respect of the profession for that upright and independent judge were evinced by a large attendance of members of both branches, who, by their liberal contributions, following the benevolent example set by the Lord Justice, added to the funds of the institution

£534. The directors have a melancholy satisfaction in recording that this was one of the latest public services in which he was engaged; and the warm-hearted readiness with which he accepted their invitation to preside, and the truly benevolent sympathy with which at the dinner he advocated the claims of the institution to generous support, have increased their respect for his memory, and their sorrow at his early death.

With respect to the relieving operations of the institution during the past half-year, the directors have to report that a sum of £110 has been expended in grants to a member and to two widows of members; and a sum of £105 has been distributed in relieving thirteen necessitous families of deceased non-members. These amounts, added to the grants made during the previous six months, give a total of £355 distributed in relief of members and their families, and of £160 in relief of non-members' families, during the year, making in the whole £515.

£700 have been invested in the purchase of India Four per Cents., and, with the investments in the previous six months, make a total sum of £2,500, invested during the year. The funded capital of the institution now consists of £7,803 17s. 8d. India Five per Cents., £5,071 6s. 4d. Three per Cent. Consols, and £3,693 0s. 6d. India Four per Cents., producing together dividends amounting to £675 per annum.

A balance of £217 18s. 10d. remains to the credit of the association at the Union Bank of London, and a sum of £15 is in the secretary's hands.

An addition to Rule IV., which, owing to the absence of a quorum of members, was not carried at the last general meeting, although unanimously agreed to by those present, will be brought forward at this meeting.

The directors think it right to mention two projects of some importance which have been urged upon their consideration from time to time by members of this society, but with which they have not felt themselves empowered to deal. One has reference to the establishment of schools for the education of the children of less affluent members of the profession, at a moderate charge; and the other to a fusion between this society and one of similar objects which has been in existence for many years in London, but limited in its operations to the profession practising there. With regard to the first proposition, the rules do not appear to the directors to make any provision for the entertainment of the subject in connection with this institution. The question of amalgamation was dwelt upon at the last anniversary festival with approval by the late Lord Justice Selwyn, and doubtless it would have its advantages. Union is strength; and should the members of this society be of opinion that it would be desirable, the board will be happy to communicate with the directors of the other society, and ascertain their views on the subject.

In accordance with the rules of the association the auditor and directors retire from office at this meeting, but are eligible and willing to continue their services if re-elected.

In conclusion, the directors venture to urge upon members the importance of lending their cordial aid in promoting the society. It needs but their hearty and united co-operation throughout the kingdom to complete that success which has hitherto attended the society's progress, and to place it in the foremost rank of institutions of a kindred nature."

The CHAIRMAN, in moving the adoption of the report, stated that it was so fully drawn up, it left him but little to say upon the subject. He was happy to preside that day, but it would have afforded him greater pleasure to have seen either of their friends Mr. Banner or Mr. Cookson, the chairman or deputy-chairman of the board, present. He was requested, however, to explain that their absence was unavoidable, and a letter which he held in his hand from Mr. Banner expressed that gentleman's great regret at being unexpectedly detained away. It was gratifying to find that the institution was making such steady progress, and he hoped that it would receive a large accession of new members from this meeting. (Hear, hear.)

A member suggested that it was an obstacle to increasing the number of subscribers, that the expenses seemed out of proportion to the amount of relief afforded, but the objection was subsequently cleared away by members of the board and others who were speakers, and who showed that the expenses were really not great considering the wide area over which the society has to prosecute its canvass for support, and while it was yet, as it might be said, but in its

infancy. After some discussion the report was unanimously agreed to.

A resolution was then adopted commending the institution to the cordial support of every attorney, solicitor, and proctor in England and Wales, and Mr. Dunn, of Darlington, and Mr. Daggett, of Newcastle-upon-Tyne, both handed in long lists of additional members obtained by their individual efforts in canvassing those towns, and showing how easily a general canvass by local members might strengthen the numbers of the association.

Several gentlemen present then handed their names to the secretary as willing to become members, and Mr. EDWARD LAWRENCE, of London, the President of the Metropolitan and Provincial Law Association meeting, said that though a life member, he thought persons in his position ought not to make a profit of it. He had been a member of the society a sufficient length of time to exhaust his first subscription of ten guineas, and he now begged to repeat his subscription of that amount. An addition to the fourth rule, of which notice was duly given, was then unanimously agreed to, after which the usual resolutions thanking and re-electing the directors and auditors were passed *nem. con.*

A cordial vote of thanks to Mr. Moody for his kindness in presiding brought the proceedings to a termination.

LAW STUDENTS' JOURNAL.

LECTURES AND LAW CLASSES AT THE INCORPORATED LAW SOCIETY.

Mr. H. W. ELPHINSTONE, Lecturer and Reader on Conveyancing and the Law of Real Property—Friday, Nov. 5, 1869, Lecture, 6 to 7 p.m.

COURT PAPERS.

COURT OF CHANCERY.

SITTINGS IN MICHAELMAS TERM, 1869.

LORD CHANCELLOR.

Westminster.

Tues., Nov. 2..App. mtns. & apps.
Lincoln's Inn.

Wednes. Nov. 3.. Petns. & Apps.
Thursday .. 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11.. App. mtns. & apps.
Friday 12
Saturday 13
Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18.. App. mtns. & apps.
Friday 19
Saturday ... 20
Monday 22
Tuesday 23
Wednesday .. 24.. Petitions and apps.
Thursday ... 25.. App. mtns. & apps.

MASTER OF THE ROLLS.

Westminster.

Tues., Nov. 2..Mtns. & gen. pa.
Chancery-lane.

Wednes. Nov. 3
Thursday ... 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11.. Mtns. & gen. pa.
Friday 12
Saturday ... 13
Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18.. Mtns. & gen. pa.
Friday 19
Saturday ... 20
Monday 22
Tuesday 23

Wednesday..24..General paper.
Thursday ..25..Mtns. & gen. pa.

N.B.—Unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

LORDS JUSTICES.

Westminster.

Tues., Nov. 2..Appeal motions.
Lincoln's Inn.

Wednes. Nov. 3
Thursday ... 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11
Friday 12
Saturday ... 13
Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18

N.B.—The days (if any) on which the Lords Justices shall be engaged in the Full Court, or at the Judicial Committee of the Privy Council, are excepted.

V. C. SIR JOHN STUART.

Westminster.

Tues., Nov. 2..Motions.
Lincoln's Inn.

Wednes. Nov. 3
Thursday ... 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11
Friday 12
Saturday ... 13
Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18
Friday 19
Saturday ... 20
Monday 22
Tuesday 23
Wednesday .. 24
Thursday ... 25

V. C. SIR RICHARD MALINS.

Westminster.

Tues., Nov. 2..Motions.
Lincoln's Inn.

Wednes. Nov. 3
Thursday ... 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11
Friday 12
Saturday ... 13

Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18
Friday 19
Saturday ... 20
Monday 22
Tuesday 23
Wednesday .. 24
Thursday ... 25

N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

V. C. SIR W. M. JAMES.

Westminster.

Tues., Nov. 2..Motions.
Lincoln's Inn.

Wednes. Nov. 3
Thursday ... 4
Friday 5
Saturday ... 6
Monday 8
Tuesday 9
Wednesday .. 10
Thursday ... 11
Friday 12
Saturday ... 13
Monday 15
Tuesday 16
Wednesday .. 17
Thursday ... 18
Friday 19
Saturday ... 20
Monday 22
Tuesday 23
Wednesday .. 24
Thursday ... 25

N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

CAUSE LIST.

Michaelmas Term, 1869.

Before the LORD CHANCELLOR and the LORDS JUSTICES.

Appeals.

1869.
Gray v Lewis (M.—April 15)
Gray v Lewis (M.—April 26)
Laing v Reed (M.—June 18)
Weeks v Jackson (M.—July 1)
Topham v Duke of Portland (J.—July 1)
Topham v Duke of Portland (J.—July 1)
Perrin v Burbey (M.—July 3)
Moore v Franklin, Bird v Franklin (S.—July 6)
Catling v Great Northern Ry. Co. (M.—July 6)
Pike v Nicholas (J.—July 7)
Pronje v Matthews (M.—July 8)
Curlewis v Abrahams (R.—July 8)
Butler v Gray (M.—July 9)
Rushbrook v Lawrence (R.—July 9)
Agra Bank (Limited) v Symons (M.—July 12)
Picard v Hine (S.—July 12)

Before the MASTER OF THE ROLLS.

Causes, &c.

Ormerod v Rostrom. f c
Atherley v Isle of Wight Ry. Co. and City Bank. m d
Boyd v Petrie. c, wit (Nov. 4)
Clarke v Tanner. c, wit
Golding v Bell. c, wit
The London & South-Western Ry. Co. v Puckle. m d
Warrick v The Provost, &c., of Queen's College, Oxford. c, wit

The Agra Bank (Limited) v Gillespie. m d
Smith v Brownlow. m d
Tulk v Taberner. m d
Lloyd v Thomas. m d
Jeffreys v Lewis. c
Thomson v Anderson. c
Ewing v Graveley. c
The Attorney-General v The Merthyr Tydfil Local Board of Health. m d

Kirby v Carter. f c & 2 sums.
to vary
Durnford v Durnford. m d
Earl of Zetland v Williamson.
sp c
Cannington v Nuttall. trial
by jury
Abrahams v The Metropolitan
Ry. Co. m d
Furber v Michael. m d
Ingle v Goodwin. f c & 3
sums to vary
Blyth v Aldham. m d
The London, Italian, & Adria-
tic Steam Navigation Co.
(Limited) v Laming. f c
Lyle v Lyle. f c
Doubleday v Hosking. m d
Harrison v Bland. f c
De Castro v Boyes. f c &
sums to vary
Allen v Allen, Jarrett v Holmes.
f c
Goldard v Frith. m d
Fielden v Pilkington. c
Harrowell v Pearce. f c
Bingley v Pewtress. f c
Webster v Brown. f c
Else v Else. f c
Pretymann v Swinnerton. c
Tonge v Ward. c

Before the Vice-Chancellor Sir JOHN STUART.

Causes, &c.

Catt v Tourle. exons to ans
Moore v Craven. exons to ans
Tichborne v Mostyn, Bart. m d
Tichborne v Tichborne. m d
Crowther v Crowther. f c
Brown v Rugg. m d
Williams v Haythorne. f c
Hunt v The Tendring Hundred
Ry. Co. m d
Dunn v Brodie. m d
Boulton v Tucker. c
Teed v Parnell. c
North v Haslam. c
Knox v Turner. c
Horn v Horn. m d
Duguid v Fraser. m d
Lucas v Lucas. m d
Johnston v Johnston. m d
Pugh v Clark. c
Cook v Rivington. c
Greenslade v Carthew. m d
Cowell v Acraman. m d
Price v Jenkins. appeal from
County Court of Monmouth
Powell v Roberts. appeal
from County Court of
Denbighshire.
Jones v Rooke. appeal from
Westminster County Court.
Cockroft v Boyes. f c
Armstrong v Timperon. m d
Holcombe v York. m d
London and Mediterranean
Bank (Limited) v Shulton.
m d
Fielden v Goschen. c, wit
George v Ormond. m d
Chapman v Turner. m d
Wordsworth v Crawshaw. m d
De Rosaz v Rich.
Drewry v Drewry. m d
Hook v Wix. c
Sawers v Carpenter. m d
Tidmarsh v Seales. m d
Hopkins v Hopkins. m d

Before the Vice-Chancellor Sir RICHARD MALINS.

Causes, &c.

Walters v Webb. demr
Same v Same. demr
Same v Same. demr
Same v Same. demr
International Bank (Limited)
v Gladstone. m d
Hubbard v Boughey, Bart. c
(Nov. 4)
Hare v London, Brighton, &
South Coast Ry. Co. m d

Fisher v Orton. f c
Wollaston v Tribe. m d
The National Savings Bank
Association (Limited) v
Fabian. m d
Williams v Pott. m d
Williams v Gray. m d
Coulson v Walker. c
Harries v Roberts. f c
The Wilcox & Gibbs Sewing
Machine Co. v Kendal. m d
James v Lichfield. m d
Weekes v Gallard. m d
Edmonds v Millett. f c
Taylor v Taylor. m d
Silver v Udall. f c
Weston v Weston. m d
In re Stanley's Estate, Legg v
Newman, Baker v Newman.
f c
Nash v Castle. f c
Aaron v Aaron. c
Butler v Hutton. c
Swinnerton v Pretymann. c
Thomas v Tracoe. f c
Watson v Maling. m d
Driscoll v Haydock. m d
Brooks v Sutton. c
Fuller v Besset. m d
Woollicroft v Forrester. m d

Humble v Forster. m d
Stone v Thomas. m d
Marlow v Barnett. m d
Frere v Allen. m d
Saunders v Saunders. m d
Esdale v Robinson. m d
Jewsbury v Symons. m d
Williams v East London Ry.
Co. m d
Bryant v Gale. c
Leggott v Metropolitan Ry. Co.
m d
Fothergill v Phillips. c
Hanrott v Forbes. f c
Baker v Booth. m d
Durrant v Maber. m d
Powell v Powell. m d, s
Chapman v Chapman. c
Wallinger v Wallinger. m d
Stonehouse v Dobing. f c
Croft v Kaye, Bart. m d
Mackie v Darling. m d
Kirby v Phillips. f c
Nash v Howell. m d
Eborall v Forrest. f c & sums
Ponder v Metropolitan Ry. Co.
m d
Skato v Dunster. c
The City Bank v Luckie. c
Jackson v Peterborough, Wis-
beach, & Sutton Ry. Co.
m d
Williamson v Peterborough,
Wisbeach, and Sutton Ry.
Co. m d
Dicconson v Talbot. c
Maw v Thompson. m d
Clark v Treherne. f c
Etches v Turner. f c
Cooke v Aveline. m d
Casement v Saffery. f c
Percy v Coghlan. m d
Goodman v Scholefield. f c
Campbell v Groves. f c
Boys v Jones. m d

Earl Beauchamp v Winn. c,
wit
Pearse v Dobinson. c (Nov. 9)
Holden v Hart, m d, pt hd
(Nov. 4)
Poupard v Fardell, c, wit
(Nov. 8)
Gillett v Gane. f c & sums
to vary petn
Poupard v Stones. c, wit

Fothergill v Davies. c
Redgrave v Stevens. m d,
pt hd (Nov. 8)
Shippey v Hocombe. c
Stevenson v Barugh. m d
Ormerod v Northern Ry. of
Buenos Ayres. m d, set
down at request of defendant
Co.
Calrow v Kelday. c, wit
(Nov. 15)
Wood v Green. c, wit
Hodges Distillery Co. (Limited)
v Doulton. c, wit
Earl Vane v Rigen. m d
Radmore v Gill. m d
Moulson v Moulson. c, wit
Watkins v The Long Ashton
District Highway Board.
m d
Attorney-General v Gee. c,
wit
Wheatley v The Westraister
Brymbo Coal & Coke Co.
(Limited). m d
Remnant v Morris. m d
The Landed Estates Co. v
Weeding. m d
Cull v Ingles. c
Oldacres v Oldacres. m d
Rudge v Union Bank of Lon-
don. m d
Grover v Foster, Bart. m d
The Imperial Mercantile Credit
Association (Limited) v Cole-
man. m d
Zimmerman v Metropolitan
Ry. Co. m d
Terry v Clarke. m d
Kenwood v Poole. m d
Scotson v Robinson. m d
Campbell v The Mayor, &c., of
Liverpool. m d
Lee v The Lancashire & York-
shire Ry. Co. c
Bourne v Hancock. m d
Parker v Bridge. c, wit
(Nov. 3)
Stewart v Sanderson. m d

Before the Vice-Chancellor W. M. JAMES.

Causes, &c.

Powell v Elliott. m d, pt hd
(Nov. 4)
Elliot v Powell. c, pt hd
(Nov. 4)
Wilson v Furness Ry. Co.
demr
Holdsworth v Bromley. exons
to ans
Hughes v Seanor. m d
Gibbon v Gibbon. m d
Pears v Laing. m d
Stamp v Anderson. c
Anderson v Stamp. c
Elwon v Spark. m d
Leather Cloth Co. (Limited) v
Lorsont. m d (Nov. 4)
The Wheeler & Wilson Manu-
facturing Co. v Shakespear.
m d (Nov. 4)
Butler v Butler. m d
Bradford v Bradford. c, wit
Millington v Holland. m d
Perry v Sargent. c
Baker v Bannister. c
Griffin v Brady. c, wit
Johnson v Bennett. m d
Preece v Coke. m d
Belancy v Baron French. m d
Hussey v The Metropolitan
Ry. Co. m d
Atkinson v Robinson. m d
Hinchliffe v Bates. m d
Hudson v Johnson. m d
Earl St. Germans v Fox. m d
Slatter v Samuel. m d
Queen of Spain v Parr. c
Abbott v Cawston. m d
Mattersen v Baeretsmann. m d
Montgomery v Floyd. c
Weyman v Carter. m d

Cope v Clark. m d
Hargreaves v Gladhill. c
Boyle v Robinson. m d
Sharp v Longford. c
Hallward v Cordery. m d
Chubb Stretch. m d
Shaw v Shaw. m d
Bowen v Bradley. c
Hazell v Barker. m d
Denny v Hancock. m d
Story v Bowles. m d
Cooper v Burchmore. m d
Wildes v Dudlow. c
Cooper v Williams. c
Rawlins v Heath. m d
Suthers v Jubb. m d
Goddard v Shaw. f c
Powell v Naish. m d
Mallinson v Siddle. m d
Knapping v Tomlinson,
Knapping v Bannister. f c
Portway v Glascock. m d
Carrow v Ferrier. c, set down
at request of dft.
Alexander v Gage. m d
Trevelyan v Attorney-Gen. c
Denison v Tattersall, Denison
v Cropper. f c
Walker v Slater. m d
Kellock v Damsey. m d
Gutch v The Metropolitan Ry.
Co. m d
Western v Western. f c
Nixey v Roffey. c
Skelton v Ealand. m d
Waterlow v Burt. f c
Paton v Cladish. f c & adj
sums (Nov. 3)
Rayment v Puxley. f c
Page v Ward. c
Toynbee v Humphries. m d
Vaughan v Nicholas. m d
MacGillivray v Cameron. c
Jones v Jones. m d
Dawson v Cropper. f c
Leaver v Sinclair. m d
Painter v Turner. m d
Thomas v Aaron. m d

Glover v Moore. c
Tippett v Fiddy. m d
Silver v Udall. m d
Trappes v Meredith. m d
McKenna v Chadwick. m d
Chadwick v McKenna. m d
Adamson v Chadwick. m d
Tooth v Banks. c
Warden v Mayor, &c., of
Kingston-upon-Hull. m d
Eade v Morgan. c
Samuelson v Mattison. c
Musgrave v Hart. c
Hawkes v Hawkes. c
Phillipotts v Bridgate. m d
Cartwright v Hewitt. m d
Swainson v Jefferson. m d
Jarrod v Heywood. c, wit
Higgins v Burman. m d
The North Eastern Ry. Co.
v Jackson. c
Richards v Wicks. m d
Edwards v Kirkland. m d
Low v Walker. m d
Hughes v Hughes. c
Hughes v Jones. c
Smith v Westall. m d
Artis v Hodgkinson. m d
Cousens v Cousens. m d
Toyne v Holland. c
Toyne v Holland. c
Jay v Montague. m d
Elnshie v Boursier. m d
Martin v Haynes. m d
Lyon v Faithful. c
Teden v Langmead. m d
Norton v Townsend. m d
Low v Evans. m d
Dugdale v Meadows. m d
Freeman v Pope. m d

Clavering v Everett. c
Kemp v Miller. m d
Turner v Turner. m d
Turner v Trower. m d
The London & Brazilian Bank
(Limited) v Jeffries. c
Oakley v Sennett. m d
Clemow (pauper) v Coach. c
The Glamorganshire Canal
Navigation Co. v Boyle. c
Rayne v Madras Coffee Co.
(Limited). m d
Clarke v Kennerley. c
The Grover & Baker Sewing
Machine Co. v Wilson. m d
Bown v Stroud. c
Bankart v Tennant. m d
Umbers v Jaggard. sp c
West of England Brewery Co.
(Limited) v Ross. c, wit
Johnston v Renton. m d
Johnston v Parsely. m d
Champneys v Holmes. m d
The Merchant Banking Co. of
London (Limited) v Maud.
m d
Reynolds v Reynolds. m d
Gray v Gauntlett. m d
Duncombe v Cousins. m d
Clarke v Smith. m d
Turner v The Ringwood High-
way Board. m d
Browne v Lawson. f c
Heald v Walls. m d
Taylor v Acton. m d
Laskie v Williams. c
Perry-Herrick v Dowager Lady
Lanesborough. f c
Colley v Jones. m d
The Marine Investment Co.
(Limited) v Haviside. c
Pereval v Pereval. f c
Bird v Harris. m d
Jackson v Crick. f c
Lane v Brown. m d
Applin v Nichols. m d
Rolf v Smith. m d
Gwyn v Edwardes. m d
Benson v Forrest. m d, s
Valle v Mayer. m d
Alcock v Gill. c
Cavan v Nicholson. f c
Guest v Milnes. f c
Frith v The Metropolitan Ry.
Co. m d
Metcalf v Hewett. m d
Isaac v Hughes. f c
Isaac v Hughes. f c
Bromley v Sir F. Kelly,
Knight, and Others. m d
McCraw v Jones. m d
Hewes v Lord Daere. m d
Hoskins v Alison. m d
Baylis v Howard. f c
Hoffman v Postill, trial before
the Court without a jury.
George v Symons. f c
Dalton v Vaughan. m d
Williams v The Llanelly Ry.
& Dock Co. m d
Whitehouse v Cross. m d
Westrup v The Joint-Stock
Discount Co. (Limited) m d
Maxwell v Wightwick. f c
Hill v Bradley. m d
Croxtan v May. m d
Plant v Daniel. f c
Park v Cotton. m d
Ramden Mill Co. v Ramden.
m d
Jerningham v Metropolitan
Ry. Co. m d
Taft v Thomason. c
Herrick v Franklin. f c
Greenwood v Field. m d

COURT OF PROBATE,

AND

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

Sittings in and after MICHAELMAS TERM, 1869.

Court of Probate.

November 4th, 5th, 6th.

Full Court for Divorce and Matrimonial Causes.
November 11th.

Court for Divorce and Matrimonial Causes.

November 10th, 11th, 12th, 13th, 17th, 18th, 19th, 20th.

Trials by Jury.

November 24th, 25th, 26th, 27th; December 1st, 2nd, 3rd,
4th, 8th, 9th, 10th, 11th, 15th, 16th, 17th, 18th.

Trials in the Court of Probate will be taken first, unless
otherwise ordered by the judge.

The judge will sit in chambers, to hear summonses, at
11 o'clock, and in court, to hear motions, at 12 o'clock, on
Wednesday, November 3rd, on Tuesday 9th, and on each
succeeding Tuesday until Tuesday, December 21st, inclu-
sive.

All papers for motions in the Court of Probate must be
left with the clerk of the papers in the registry of that
court, at Doctors' Commons, and for motions in the Court
for Divorce and Matrimonial Causes with the chief clerk
in the registry of that court, at Doctors' Commons, before
2 o'clock on the preceding Thursday.

The Chancellor of the Duchy of Lancaster has appointed T.
K. Lowry, Esq., Q.C., late a district Judge at Jamaica, to the
prothonotaryship of the new district court which is to be opened
at Manchester, on the 10th of next month, under the Act of last
session, providing for the better despatch of business in the
Court of Common Pleas for the County Palatine. By that Act,
and the rules made in pursuance of it, the district prothonotaries,
in addition to the duties heretofore discharged by the pro-
thonotary at Lancaster, are to exercise within their districts the
powers of any of the masters, or of a judge sitting at chambers
at Westminster; and as the Court has jurisdiction to an un-
limited amount in civil actions, and by the late Act its judgments
and orders are to have the same effect as those of the Courts at
Westminster, it is expected that a large amount of business will
be transacted in it. Another district court is to be opened at
the same time in Liverpool.—*Daily Express.*

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Oct. 29, 1869.

[From the Official List of the actual business transacted.]

1 per Cent. Consols, 93½	Annuities, April, '45, 11 15-16
Ditto for Account, Nov. 4, 93½	Do. (Red Sea T.) Aug. 1894
3 per Cent. Reduced 92	Ex Bills, £1000, — per Ct. 10 p m
New 3 per Cent., 92	Ditto, £500, Do. — 10 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, — 10 p m
Do. 2½ per Cent., Jan. '94 76	Bank of England Stock, 4½ per
Do. 5 per Cent., Jan. '78	Ct. (last half-year) 238
Annuities, Jan. '80 —	Ditto for Account,

RAILWAY STOCK.

Shres.	Railways.	Paid.	Closing prices
Stock	Bristol and Exeter	100	71
Stock	Caledonian	100	80½
Stock	Glasgow and South-Western	100	104
Stock	Great Eastern Ordinary Stock	100	37½
Stock	Do., East Anglian Stock, No. 2	100	7
Stock	Great Northern	100	108
Stock	Do., A Stock*	100	105½
Stock	Great Southern and Western of Ireland	100	98
Stock	Great Western—Original	100	50½
Stock	Do., West Midland—Oxford	100	35
Stock	Do., do.—Newport	100	34
Stock	Lancashire and Yorkshire	100	121½
Stock	London, Brighton, and South Coast	100	44
Stock	London, Chatham, and Dover	100	17
Stock	London and North-Western	100	103½
Stock	London and South-Western	100	90
Stock	Manchester, Sheffield, and Lincoln	100	34½
Stock	Metropolitan	100	84½
Stock	Midland	100	119
Stock	Do., Birmingham and Derby	100	89
Stock	North British	100	34
Stock	North London	100	121
Stock	North Staffordshire	100	57
Stock	South Devon	100	42
Stock	South-Eastern	100	70½
Stocks	Tail Vale	100	156

* A receives no dividend until 5 per cent. has been paid for B.

MONEY MARKET AND CITY INTELLIGENCE.

For the first four days succeeding our last report all the
markets were dull. Some unfavourable traffic receipts depressed
the railway market, and the Bank demand for discount, which
had been showing symptoms of increase, again became light.
The markets have, however, all experienced a change for the
better. Consols and foreign securities are steady at a slight im-
provement, and North-Eastern Railway Stocks, owing to good
traffic returns, have been in increasing demand. The fortnightly
settlement in the railway market passed off quietly; the market
was very fairly supplied with stocks. Metropolitan were
rather dull in consequence of sales made since last account by
the speculators.

The Gresham Life Assurance Society held its twenty-first
annual meeting on Thursday. During the year 4,727 proposals
were made for assuring the sum of £1,972,244. Of these 569
were declined, and 4,127 were accepted for assuring the sum of
£1,675,783, with a corresponding premium income of £64,213,
9s. 7d. per annum, and policies were issued accordingly. The
amount of bonus paid to policyholders was £8,447 15s. 10d.
The amount received for interest on the invested funds amounted
to £42,408 15s. 6d., which, added to the premium income, makes
a total gross income of £378,135 10s. 2d. After payment of
all charges for the year, the realised funds of the society were in-
creased by a sum of £150,081 2s. 10d., of which £128,798 14s. 8d.
was invested in public funds.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

DAWSON—On Oct. 27, the wife of William Hill Dawson, Esq., of Lin-
coln's-inn, and St. Mark's-square, Regent's-park, of a daughter.

HOCKLEY—On Oct. 25, at the residence of her mother, St. Leonard's-
on-Sea, the wife of Charles Cromwell Hockley, Esq., Middle Temple,
of a son.

MARRIAGES.

EVERY—JENNINGS—On Oct. 20, at St. Paul's Church, Portland-
square, Bristol, Thomas Charles Avery, Esq., Solicitor, of Gloucester,
to Harriet Angelina, only child of the late Rev. Robert Jennings, of
Chittoor, East Indies. No cards.

BAGSHAWE—BOLTON—On Oct. 20, at Leamington, Frederic Glad-
stone Bagshawe, Esq., Barrister-at-Law, of the Middle Temple, to
Emily Teresa, second daughter of the late Thomas Bolton, Esq., of
Oaken Hall, Oaken, and of Wolverhampton.

BAYLY—BIDDLEY—On Oct. 20, at St. John the Baptist, Gloucester,
John Bethune Bayly, Esq., Barrister-at-Law, of For-Emina, Gloucester,
and the Middle Temple, to Elizabeth, widow of the late Rev. Charles
Dudley, M.A., of Brackley, Northamptonshire.

DEATHS.

SUTHERLAND—On Oct. 25, at 22, Fettes-row, Edinburgh, Alexander
Gordon Sutherland, Writer to the Signet.

ESTATE EXCHANGE REPORT.

AT THE MART.

Oct. 26.—By Messrs. FARMER, BROTHER, CLARK, & CO.

Freehold and small part copyhold estate, situate in the parish of Iwer, Bucks, comprising messuages, offices, grounds, farmhouse and land; Iwer Court farm, comprising farmhouse, buildings, cottage, the whole containing 401a 2r 31p—sold £45,000.

Leasehold residence, No. 37, Francis street, Tottenham-court-road, rental of £52 10s. per annum, term 99½ years from 24th June, 1789, at £8 per annum—sold £410.

Leasehold stables and coach house, No. 5, Southampton-mews, Southampton row, Russell-square, rent £11 10s. per annum; term, 99 years from 1800, at £4 7s. per annum—sold £90.

Copyhold residence, known as Clyde House, Twickenham—sold £3,000.

By Messrs. DEBENHAM, TEWSON, & FARMER.

Freehold farm, known as Pelling's or Marling's, situate at Rother's, Sussex, comprising 56a 1r 10p, with farmhouse, homestead, buildings, and cottages—sold £2,200.

Leasehold profit rental of £145 per annum (for 33 years), secured on the warehouses at the corner of Finsbury and Rope-maker's street—sold £1,500.

Freehold house, No. 1, St. John's-terrace, South Hackney, annual value £45—sold £500.

Freehold ground-rent of £9 per annum, secured on two houses in Manor road, South Hackney—sold £195.

Leasehold business premises, No. 19, Seething-lane, City; term, 49 years from 1828, at £3 8 per annum, and for a further term of 35 years thereafter if a lady aged 44 should so long live, at £135—sold £250.

Policy of assurance for £1,000 in the Economic Life Assurance Society, on the life of a gentleman aged 45 years—sold £190.

By Messrs. BAKER & SONS.

Freehold plot of building land, containing 5a 0r 6p, situate at Teddington—sold £1,700.

Freehold, five houses, Nos. 1 to 5, Blane-place, Euston-road, let at rentals amounting to £170 per annum—sold £2,000.

By Messrs. EDWIN FOX & BUCKSFIELD.

Freehold residence, with stabling, outbuildings, and grounds, consisting of ½ acres, known as Southfields, Sutton-common—sold £3,000.

Leasehold residence, known as Maisonette, Sutton-common-road; term 4½ years unexpired, at £25 per annum—sold £400.

LONDON GAZETTES.

Winding up of Joint-Stock Companies.

FRIDAY, Oct. 22, 1869.

LIMITED IN CHANCERY.

Greening and Company (Limited).—Vice-Chancellor James has, by an order dated Oct. 15, ordered that the voluntary winding up of the above company be continued. Merriman & Co, Queen-st, solicitors for the petitioners.

UNLIMITED IN CHANCERY.

United Ports and General Insurance Company.—Petition for winding up, presented Oct. 22, directed to be heard before Vice-Chancellor Stuart on Nov. 5. Fulbrook, Threadneedle-st, solicitor for the petitioner.

TUESDAY, Oct. 26, 1869.

LIMITED IN CHANCERY.

Chubwa Tea Company of Assam (Limited).—Petition for winding up, presented Oct. 25, directed to be heard before Vice-Chancellor Malins on Nov. 5. Snell, George-st, Mansion-house, solicitors for the petitioner.

Consolidated Land Company of France (Limited).—Petition for winding up, presented Oct. 26, directed to be heard before Vice-Chancellor Malins on Nov. 5. Abrahams & Roffey, Old Jewry, solicitors for the petitioners.

Exe Eight Oyster Fishery and Pier Company (Limited).—Petition for winding up, presented Oct. 19, directed to be heard before Vice-Chancellor James on Nov. 6. Wood, Bucklers-bury, solicitor for the petitioners.

Gadby's Lchar Iron and Tin Plate Company.—Petition for winding up, presented Aug. 9, directed to be heard before Vice-Chancellor James, on the next petition day. Bell & Co, Bow Churchyard, for Linton & Lewis, Aberdare, solicitors for the petitioners.

John King and Company (Limited).—Petition for winding up, presented Oct. 15, directed to be heard before Vice-Chancellor Stuart on Nov. 5. Webb, Gresham-st, solicitor for the petitioner.

National Widows Fund (Limited).—Petition for winding up, presented July 28, directed to be heard before the Master of the Rolls on Nov. 6. Lawrence, Bedford-sq, solicitor for the petitioner.

River Steamer Company (Limited).—Petition for winding up, presented Oct. 19, directed to be heard before Vice-Chancellor James on Nov. 6. Parker & Clarke, St Michael's-alley, Cornhill, solicitors for the petitioners.

UNLIMITED IN CHANCERY.

Albert Life Assurance Company.—Vice-Chancellor James has, by an order dated Oct. 15, appointed Samuel Lovell Price, 13, Gresham-st, and John Young, 16, Tokenhouse-yard, to be joint official liquidators. Creditors in Great Britain and Ireland are required, on or before Jan. 1, to send in their names and addresses, and the particulars of their debts or claims, to the above, at 7, Waterloo-pl, Pall Mall, Tuesday, Feb. 1, at 12, is appointed for hearing and adjudicating upon the debts and claims.

North Kent Railway Extension Railway Company.—Petition for winding up, presented Oct. 26, directed to be heard before Vice-Chancellor James on Nov. 6. Webb, Gresham-st, solicitor for the petitioner.

United Ports and General Insurance Company.—Petition for winding up, presented Oct. 7, directed to be heard before Vice-Chancellor James on Nov. 6. Manning, Gt George-st, solicitor for the petitioners.

Waterford and Passage Railway Company.—Petition for winding up, presented Sept. 7, directed to be heard before Vice-Chancellor Malins on Nov. 5. Manning, Gt George-st, solicitor for the petitioner.

Friendly Societies Dissolved.

TUESDAY, Oct. 26, 1869.

Friends of Freedom, White Swan Inn, Burntwood, Stafford. Oct. 20.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Oct. 22, 1869.

Bond, Wm Mayes, Bacton, Norfolk, Farmer. Dec. 2. Scott, North Walsham.

Barton, Wm, West Ham, Essex, Farmer. Nov. 19. Hillearys & Tunstall, Fenchurch-bldgs.

Dawson, Jas, Gedling, Notts, Gent. Dec. 10. Dewe, Derby.

Dickinson, Chas, Mexbrough, York, Corn Miller. Dec. 21. Hanop, Swinton.

Elliott, Edmund Lakeman, Landulph, Cornwall, Gent. Nov. 13. Pridham & Co, Plymouth.

Green, Jas Furdham, Ware, Hertford, Solicitor. Dec. 18. Foster, Ware.

Harrop, Chas, Tamewater, York, Gent. Dec. 24. Learyod & Learyod, Huddersfield.

Harrop, Hannah, Tamewater, York, Widow. Dec. 24. Learyod & Learyod, Huddersfield.

Hounsell, John, Bridport, Dorset, Surgeon. Dec. 4. Hounsell, Farnival's-inn.

Irvine, Nicol, Accra, Africa, Merchant. Jan. 1. Oliverson & Co, Frederick's pl, Old Jewry.

Lacy, Hy Chas, Withdeane Hall, Sussex, Esq. Jan. 20. Powys, Russell-sq.

Mills, Jas, Stalybridge, Lancashire, Cotton Doubler. Nov. 30. Darnton, Ashton-under-Lyne.

Nightingale, Wm, Skibeden, York, Gent. Dec. 1. Robinson, Skipton.

Palser, Michael, Northallerton, York, Gent. Nov. 24. Waisell, Northallerton.

Pikey, Wm, Gt Yarmouth, Norfolk, Esq. Nov. 24. Richards, Warwick-st, Regent-sq.

Rawlinson, Jane, Cambridge-ter, Holand-rd, Kensington, Widow. Dec. 1. Withall & Compton, Gt George-st Westminster.

Riches, John, North Walsham, Norfolk, Farmer. Dec. 2. Scott, North Walsham.

Seilon, Peter Wm Baker John, Chapter House, St Paul's Churchyard, Esq. Nov. 30. Beachcroft & Thompson, King's-rd, Bedford-row.

Stratton, Jane, Richmond, Surrey, Widow. Dec. 1. Fisher, Doughty-st.

Thompson, Jas, Dreestree, Westmoreland, Yeoman. Nov. 11. Mosers & Co, Kendal.

Toovey, Thos Brigham, Frederick-ter, Commercial-rd, Peckham, Gent. Dec. 1. Withall & Crompton, Gt George-st, Westminster.

Westall, Saml Thos Maling, New Inn, Gent. Dec. 22. Walker & Co, Southampton-st, Bloomsbury.

Wilkin, Fras, Bristol, Widow. Dec. 22. Stricklands & Robinson, Bristol.

Wilson, Jas, New-st, St John's-wood, Coachman. Dec. 7. Dyer, Argyle-st, King's-cross.

TUESDAY, Oct. 26, 1869.

Barley, Jas, Eccles, Lancashire, Railway Collector. Dec. 20. Welsh, Manch.

Cankill, John, Cliff-cum-Lund, York, Gent. Nov. 8. Cankill, Cliff.

Cooper, John, Sutton-at-Hone, Kent, Farmer. Nov. 23. Russell & Co, Dartford.

Cooper, Chas, Vine-st, Westminster, Licensed Victualler. Nov. 26. Lowies & Nelson, Gracechurch-st.

Franks, Abraham, Mancini, Optician. Dec. 1. Withington & Petty, Manch.

Gillingham, Hy Jas, Winchester, Stonemason. Nov. 30. Bailey, Winchester.

Jones, Benj, Talarid, Carmarthen, Land Surveyor. Nov. 27. Lloyd Lampeter.

Lewis, Thos, Clenchers Mill, Eastnor, Hereford, Miller. Dec. 1. Mutlow & Barber, Ledbury.

Moorhouse, Robt, York, Gent, or Eliza Moorhouse. Nov. 24. Thompson, York.

Morriss, Amelia Mary Margaret, Beaufort Gardens, Pimlico, Widow. Dec. 1. Dowse & Darville, Lime-st-chambers, Lime-st.

Parr, Hy, Gannic-corner, South Mimms, Middlesex, Builder. Dec. 20. Boulton & Sons, Northampton-sq.

Richardson, Thos, Sutton Hurst, Sussex, Esq. Dec. 22. Hunt & Co, Lewes.

Sutton, Phebe Eliz, Church-st, Stoke Newington, Widow. Dec. 1. Raw, Farnival's-inn.

White, Charlotte, Clevedon, Somerset, Widow. Jan. 26. Benson & Elletson, Bristol.

White, John, Clevedon, Somerset, Butcher. Jan. 25. Benson & Elletson, Bristol.

Wilmer, Hy, Harting, Sussex, Esq. Dec. 26. Clark, Morrow, nr Guildford.

Deeds registered pursuant to Sanctions Act, 1861.

FRIDAY, Oct. 22, 1869.

Adams, Adam, & Thos Adams, Whitechapel-rd, Linen Drapers. Sept. 24. Comp. Reg Oct 22.

Andrews, Wm, Shrewsbury, Salop, Tea Dealer. Sept. 25. Asst. Reg Oct 22.

Barker, Thos, Newcastle-upon-Tyne, Public Accountant. Sept. 30. Asst. Reg Oct 19.

Black, John, Moss Head, Grassmere, Westmoreland, Wailer. Sept. 25. Asst. Reg Oct 21.

Brady, Geo, Camden-rd, Milliner. Sept. 29. Comp. Reg Oct 24.

Brett, Thos, Jan, Bridge-st, Homerton, Corn Dealer. Oct. 14. Comp. Reg Oct 19.

Brookfield, Wm, Lpool, Beerhouse Keeper. Sept. 17. Comp. Reg Oct 19.

Chisholm, Alex, Southampton, Draper. Sept. 20. Asst. Reg Oct 22.

Cooper, Wm, Bradford, York, Tinner. Sept. 13. Comp. Reg Oct 21.

Cottam, Edw, Jan, Mark-lane, Tea Importer. Sept. 20. Comp. Reg Oct 18.

Cross, Geo Thos, Thurgarton, Norfolk, Veterinary Surgeon. Sept. 29. Asst. Reg Oct 21.

Davis, Edw Dean, Newcastle-upon-Tyne, Lessee of the Theatre Royal. Oct 16. Comp. Reg Oct 19.
 Diaper, Eustace, Stowmarket, Suffolk, Draper. Sept 24. Asst. Reg Oct 21.
 Fletcher, John Thompson, Belvedere-rd, Upper Norwood, out of business. Aug 26. Asst. Reg Oct 15.
 Foster, Wm, & Geo Hitchon, Padiham, Lancashire, Cotton Spinners. Sept 21. Asst. Reg Oct 19.
 Gay, Geo Dight, Ketter, Glover. Oct 13. Comp. Reg Oct 21.
 Goldstraw, Horatio Parker, Chorlton-upon-Medlock, Manch, Stone Mason. Sept 4. Comp. Reg Oct 22.
 Greenwood, Wm, Devonport, Devon, Auctioneer. Sept 13. Comp. Reg Oct 19.
 Gwilliam, Winter, Spittlegate, Lincoln, Grocer. Sept 23. Asst. Reg Oct 19.
 Hammond, Hy Stanley, Cardiff, Glamorgan, Grocer. Sept 7. Asst. Reg Oct 20.
 Hannam, Chas, Bridport, Dorset, Grocer. Sept 23. Comp. Reg Oct 19.
 Hare, Richd, Wiewley, Middlesex, Fishmonger. Oct 11. Comp. Reg Oct 21.
 Harris, Robt, High Holborn, Upholsterer. Sept 27. Comp. Reg Oct 21.
 Harwood, Peter, Foster-lane, Cheapside, Manufacturer. Oct 19. Comp. Reg Oct 22.
 Hodge, John Barlow, Ecclesfield, York, Grocer. Oct 9. Asst. Reg Oct 22.
 Holman, Wm, Albert-rd, West Ferry-rd, Poplar, Baker. Oct 10. Comp. Reg Oct 20.
 Hudson, Geo, Tavistock-sq, no occupation. Oct 18. Comp. Reg Oct 21.
 Jones, John, Mortimer-rd, Kingsland, Builder. Sept 13. Comp. Reg Oct 22.
 Lawson, Thos, Bermondsey New-rd, Draper. Sept 20. Asst. Reg Oct 22.
 Lees Jas, & Wm Lees, Denton, Lancashire, Brewers. Oct 12. Comp. Reg Oct 20.
 Lewis, Edw Pettigrew, Lpool, Wine Dealer. Oct 11. Asst. Reg Oct 21.
 Lewis, John, Preston, Lancashire, Patent Agent. Sept 23. Comp. Reg Oct 21.
 Longden, John, Brampton Moor, Derby, Provision Dealer. Sept 24. Asst. Reg Oct 22.
 McGowan, John, Rochester, Kent, Draper. Sept 20. Asst. Reg Oct 20.
 Mellin, Gustav, Tienbo-me-st, Chemist. Sept 27. Comp. Reg Oct 19.
 Metcalf, John, Wakefield, York, Boat Builder. Sept 24. Asst. Reg Oct 22.
 Morris, Rebecca, High-st, Woolwich, Oilman. Sept 21. Asst. Reg Oct 19.
 Newman, Levi, Birm, Furniture Dealer. Oct 14. Comp. Reg Oct 21.
 Prince, Hy Geo, Cross st, Frampton Park-rd, South Hackney, Stonemason. Sept 21. Asst. Reg Oct 19.
 Rust, Fras, Cullum-st, Comm Merchant. Oct 16. Comp. Reg Oct 19.
 Saunders, Stephen, Niton, Isle of Wight, Butcher. Sept 29. Asst. Reg Oct 22.
 Savage, Benj, Bedford, Upholsterer. Oct 5. Comp. Reg Oct 20.
 Scholes, Thos, Oldham, Lancashire, Grocer. Sept 30. Asst. Reg Oct 21.
 Seale, Wm, Dowals, Glamorgan, Ironmonger. Oct 11. Comp. Reg Oct 20.
 Simpson, Joseph, Derby, Painter. Sept 29. Asst. Reg Oct 21.
 Slater, Chas Joseph, & Austin Boaler, Sheffield, Steel Manufacturers. Sept 23. Asst. Reg Oct 21.
 Slater, Danl, Birm, Builder. Sept 22. Comp. Reg Oct 19.
 Smith, Jas, Preston, Lancashire, out of business. Oct 9. Comp. Reg Oct 20.
 Stevenson, Hy Ronaldi, Manch, Grey Cloth Agent. Oct 19. Comp. Reg Oct 21.
 Watkins, Edw, West Smithfield, Provision Merchant. Oct 1. Asst. Reg Oct 21.
 Weldon, Edw, Sheffield, Mark Marker. Oct 11. Asst. Reg Oct 21.
 Wildup, Jas, Whalley, Lancashire, Timber Dealer. Sept 29. Asst. Reg Oct 21.

TUESDAY, Oct. 26, 1869.

Allen, John, Willsbury, Gloucester, Farmer. Sept 30. Asst. Reg Oct 23.
 Briden, Hy, St John-st, West Smithfield, Grocer. Oct 22. Comp. Reg Oct 23.
 Bromley, John Marshall, Penzance, Cornwall, Merchant. Oct 19. Comp. Reg Oct 26.
 Burford, Hy Wm, Bath, Somerset, Baker. Oct 6. Comp. Reg Oct 25.
 Burke, Alfd, Appleford-rd, Upper Westbourne Park, Builder. Sept 1. Comp. Reg Oct 23.
 Chadwick, Jas, Sheffield, Grocer. Sept 21. Asst. Reg Oct 25.
 Chadwick, Chas Edw, Blackpool, Lancashire, Auctioneer. Sept 29. Comp. Reg Oct 33.
 Clark, Geo, Margate, Kent, Draper. Oct 9. Asst. Reg Oct 22.
 Collins, John, Lpool, Provision Dealer. Sept 29. Asst. Reg Oct 23.
 Cox, Fredk, Southampton-row, Jeweller. Oct 1. Comp. Reg Oct 25.
 English, Edwd, Brimley, Middlesex, Butcher. Oct 21. Comp. Reg Oct 23.
 Estlin, Chas, Stratford, Essex, Draper. Sept 29. Asst. Reg Oct 22.
 Gardner, Helen Louisa, Lower Broughton, Lancashire, Schoolmistress. Sept 30. Asst. Reg Oct 26.
 Gent, Geo Saml, Shere-rd, Deptford, Builder. Oct 12. Comp. Reg Oct 23.
 Giles, Peter, & John Levingston, Gateshead, Durham, Builders. Oct 6. Asst. Reg Oct 23.
 Guy, Joseph, & Danl Parker, Gt Grimsby, Lincoln, Drapers. Sept 29. Comp. Reg Oct 23.
 Gwynne, Jas, & John Vaughan, Kingston, Hereford, Builders. Sept 27. Asst. Reg Oct 25.
 Hagger, Alfd, Edgeware-rd, Ladies' Outfitter. Oct 1. Asst. Reg Oct 25.
 Hall, Saml, Craven-rd, Paddington, Hosier. Sept 13. Asst. Reg Oct 23.
 Hancock, Chas, Bath, Somerset, Licensed Victualler. Oct 6. Comp. Reg Oct 22.
 Hayward, John, Gorton, nr Manch, Grocer. Sept 6. Comp. Reg Oct 26.
 Hawley, Chas, Sheffield, Glass Dealer. Sept 11. Comp. Reg Oct 22.

Hollinshead, Jas, Cardiff, Glamorgan, Earthenware Dealer. Sept 27. Asst. Reg Oct 25.
 Horrocks, Lawrence, Manch, Yarn Agent. Sept 30. Asst. Reg Oct 25.
 Isherwood, Luke, Rochdale, Lancashire, Yarn Agent. Oct 8. Comp. Reg Oct 22.
 Lansdill, Thos, High Holborn, Tailor. Oct 20. Comp. Reg Oct 23.
 Lindsay, Thos, & Wm Chisholme, Marringham, York, Builders. Sept 16. Asst. Reg Oct 23.
 Little, Jas, Thame, Oxford, Draper. Oct 1. Asst. Reg Oct 26.
 Lotings, Calmer, West Hartlepool, Durham, Shipchandier. Oct 7. Comp. Reg Oct 23.
 Masters, Jas Alex, Birm, Clerk. Sept 21. Comp. Reg Oct 22.
 Martin, Michael, Horsebridge Sussex, Miller. Sept 29. Asst. Reg Oct 25.
 McCoy, Saml, Manch, Stay Manufacturer. Sept 29. Asst. Reg Oct 26.
 Mellor, Thos, Monk's Copenhall, Cheshire, Innkeeper. Sept 17. Comp. Reg Oct 25.
 Miller, Thos, Beaumont-sq, Mile End-rd, Carman. Oct 14. Comp. Reg Oct 23.
 Morse, Hy Jas, Newport, Monmouth, Bonded Store Dealer. Oct 6. Comp. Reg Oct 20.
 Morton, Joseph, & Hy Shaw Morton, Sheffield, Store Manufacturers. Sept 21. Asst. Reg Oct 22.
 Palmer, Jas Llewellyn, & Thos Geo Gwilliam, Bristol, Cabinet Makers. Sept 22. Comp. Reg Oct 25.
 Ragart, Alfa Jas, Bristol, Clerk. Oct 18. Asst. Reg Oct 22.
 Reel, Michael, Lpool, Cap Manufacturer. Sept 27. Asst. Reg Oct 26.
 Savage, Hy, Newcastle-upon-Tyne, Bookseller. Sept 30. Comp. Reg Oct 25.
 Starke, Saml, Addiscombe-rd, Croydon, Plumber. Oct 6. Asst. Reg Oct 25.
 Todd, Saml, & Halliday Cooper, Burton Leonard, York, Tanners. Sept 24. Asst. Reg Oct 22.
 Williams, Hy, Crewe, Cheshire, Tailor. Oct 4. Comp. Reg Oct 26.
 Wright, Robt, Rufford's-bldg, High-st, Islington, Oilman. Oct 1. Comp. Reg Oct 23.

Bankrupts.

FRIDAY, Oct. 22, 1869.

To Surrender in London.

Adams, Wm, Prisoner for Debt, London. Adj Oct 18. Roche. Nov 15 at 11.
 Ashe, Waller, Prisoner for Debt, London. Adj Oct 18. Roche. Nov 15 at 11.
 Atkin, Wm Green, Prisoner for Debt, London. Adj Oct 18. Roche. Nov 15 at 11.
 Ball, John, Broughton, Northampton, Builder. Pet Oct 18. Murray. Nov 1 at 1. Roscoe & Hincks, King-st, Finsbury-sq, for Cook, Wel-linborough.
 Blackney, Jas, Chislehurst, Kent, Ironmonger. Pet Oct 20. Murray. Nov 3 at 1. Baddeley & Sons, Leman-st.
 Bricehall, Wm, Hargrave-pk-rd, Holloway, Builder. Pet Oct 19. Murray. Nov 3 at 12. Watson, Basinghall-st.
 Brodie, Wm, Vauxhall-bridge-rd, Greengrocer. Pet Oct 19. Murray. Nov 3 at 1. Morris, Jermyn-st, St James's.
 Cheese, Benj, Al Saints-rd, Westbourne-pk, Licensed Victualler. Pet Oct 19. Murray. Nov 3 at 1. Clarke, St Mary's-sq, Paddington.
 Coombs, Stephen, Britford, Wilts, Carpenter. Pet Oct 19. Murray. Nov 3 at 12. Digby, Gresham-st.
 Cutler, Hy, Burlington-arcade, Hosier. Pet Oct 18. Murray. Nov 1 at 1. Dubois, Church-passage, Gresham-st.
 Davies, Jas Hayes, Devonshire-st, Lisson-grove, Cheesemonger. Pet Oct 19. Murray. Nov 3 at 1. Rigby, Gresham-st.
 Eagling, Geo Edwd, Shoreditch, Provision Dealer. Pet Oct 19. Murray. Nov 3 at 12. Barton & Drew, Fore-st.
 Fitch, Wm John, Lowman-rd, Holloway, Baker. Pet Oct 18. Murray. Nov 3 at 12. Medcalf, Gresham-bldgs, Guildhall.
 Greene, Fredk Chas, Beresford-st, Waiworth, Printer. Pet Oct 19. Roche. Nov 1 at 2. Lorymer, Martins-lane, Cannon-st.
 Hall, Zachariah, Prisoner for Debt, London. Adj Oct 18. Roche. Nov 15 at 11.
 Harwood, Thos, Oakfield-rd, Oakfield-rd, Lower Clapton, Traveller. Pet Oct 18. Murray. Nov 3 at 11. Padmore, Westminster-brid-rd.
 Hawkins, Hy, North-st, Cambridge-heath, Coal Dealer. Pet Oct 19. Murray. Nov 3 at 1. Webb, Austin Friars, Old Broad-st.
 Hobbs, Ann, Prisoner for Debt, London. Pet Oct 18 (for pau). Mur-ray. Nov 3 at 12. Cooke, Gresham-bldgs, Guildhall.
 Hurrell, Benj John, Colchester, Essex, Licensed Victualler. Pet Oct 18. Murray. Nov 3 at 12. Digby & Sons, Lincoln's-lan-fields.
 Jackson, John, Grange-st, Hoxton, out of business. Pet Oct 20. Mur-ray. Nov 3 at 2. Watson, Basinghall-st.
 Jennings, Wm, Elizabeth-ter, Fort-rd, Bermondsey, Town Traveller. Pet Oct 20. Murray. Nov 3 at 1. Freist, Buckingham-st, Strand.
 Kirby, Thos, Fretwell, Oxford, Farmer. Pet Oct 18. Murray. Nov 3 at 11. Toole, Bartholemew-close.
 McKen, Wm, Graecchurch-st, Printer. Pet Oct 14. Murray. Nov 3 at 11. Cooper, Billiter-st.
 Mearis, Jas, Coombs-st, City-rd, Merchant's Clerk. Pet Oct 20. Mur-ray. Nov 3 at 2. King, Birch-lane.
 Moody, Thos Huggans, Southsea, Hants, out of business. Pet Oct 20. Murray. Nov 1 at 2. Carter & Bell, Leadenhall-st.
 Morelli, Chas Scrobell, York-rd, Lambeth, Comedian. Pet Oct 18. Mur-ray. Nov 1 at 1. Brown, Basinghall-st.
 Morton, Thos, Bromley-st, Commercial-rd East, Ship Joiner. Pet Oct 20. Murray. Nov 3 at 2. Morris & Co, Finsbury-circus.
 Pant, Robt, Prisoner for Debt, London. Pet Oct 19 (for pau). Mur-ray. Nov 1 at 2. Hicks, Coleman-st.
 Peirce, Jas Hawkins, Prisoner for Debt, London. Adj Oct 16. Roche. Nov 15 at 11.
 Powell, Amelia, Prisoner for Debt, London. Pet Oct 16 (for pau). Mur-ray. Nov 1 at 12. Brighton, Bishopsgate-st, Without.
 Purkis, Jas, Romsey, Hants, Machinist. Pet Oct 20. Murray. Nov 1 at 1. Emanuel, Austin Friars, for Kilby, Southampton.
 Purkiss, Jabez Jas, Buckingham-palace-rd, Piccadilly, Perfumer. Pet Oct 18. Murray. Nov 3 at 11. Peverley, Gresham-bldgs, Guildhall.
 Reeve, Wm, Upwell, Cambridge, Farmer. Pet Oct 19. Murray. Nov 1 at 1. Welkin, Furnival's-lan, Holborn.

Samels, Abel, Mortlake, Surrey, Lime Merchant. Pet Oct 18. Murray.
Nov 1 at 1. Hilliers & Tunstall, Fenchurch-bldgs, Fenchurch-st.
Sargentbody, Geo, Prisoner for Debt, London. Adj Oct 18. Roche.
Nov 15 at 11.
Sprye, Richd Saml Mare, Prisoner for Debt, London. Adj Oct 18.
Roche. Nov 15 at 11.
Stanton, Wm, Carey-lane, Comm Agent. Pet Oct 20. Murray. Nov 3
at 11. Reid & Turner, Gresham-st.
Steele, Albert Marmaduke, Harlington, Middlesex, Beerhouse Keeper.
Pet Oct 20. Murray. Nov 3 at 2. Crafter, Blackfriars-rd.
Stewart, Douglas, Prisoner for Debt, London. Pet Oct 19 (for pau).
Murray. Nov 1 at 2. Watson, Basinghall-st.
Taylor, John, Sparrow-farm, Southall, Cattle Dealer. Pet Oct 20.
Murray. Nov 3 at 2. Lewis, Wellington-st, Strand.
Thomas, Chas Jas Wm, Fulham-rd, Brompton, Milliner. Pet Oct 18.
Murray. Nov 1 at 1. Goatley, Bow-st, Covent-garden.
Thynne, Devoa Augustus, Tavistock-crescent, Bayswater, Ship Broker.
Pet Oct 19. Murray. Nov 3 at 1. Reep, Finsbury-circus.
Vince, Hy Scott, Prisoner for Debt, London. Adj Oct 18. Roche. Nov
15 at 12.
Walker, Geo, Beaufort-bldgs, Wine Merchant. Pet Oct 4. Roche. Nov
1 at 12. Innes & Son, Leadenhall-st.
Wells, Hy, Prisoner for Debt, London. Pet Oct 16 (for pau). Murray.
Nov 1 at 12. Laurence, Lincoln's-inn-fields.
Winch, Robt Palmer, Warwick-sq, Newgate-st, Journeyman,
Butcher. Pet Oct 18. Murray. Nov 3 at 11. Rigby, Gresham-st,
Bank.
Wise, Geo, Watford, Herts, Grocer. Pet Oct 20. Murray. Nov 3 at
12. Boydell, South-sq, Gray's-inn.
Wood, Alfred, Prisoner for Debt, London. Adj Oct 18. Roche. Nov
15 at 12.
Woolley, Robt, Prisoner for Debt, London. Pet Oct 18 (for pau). Mur-
ray. Nov 3 at 12. Laurence, Lincoln's-inn-fields.

To Surrender in the Country.

Annat, Kenneth McKay Sutherland, West Derby, Lancashire, Commer-
cial Traveller. Pet Oct 18. Lpool, Nov 3 at 11. Duke & Goffey,
Lpool.
Ashton, Thos, Rochdale, Lancashire, Carter. Pet Oct 16. Jackson.
Rochdale, Nov 4 at 11. Standing, Jun, Rochdale.
Ashton, Matthew, Prestwich, Lancashire, Bricklayer. Pet Oct 20.
Fardell. Manch, Nov 9 at 12. Mann, Manch.
Barnard, Hy Saml, Colchester, Essex, Saddler. Pet Oct 18. Barnes.
Colchester. Nov 10 at 12. Jones, Colchester.
Bates, Chas, Appleby, Leicester, Grocer. Pet Oct 12. Dewes. Ashby-
de-la-Zouch, Oct 30 at 10. Wilson, Burton-on-Trent.
Bean, Wm, Kingston-upon-Hull, Paperhanger. Pet Oct 20. Phillips.
Kingston-upon-Hull, Nov 5 at 11. Sibree, Hull.
Belwell, Caleb, Hastings, Sussex, Fish Dealer. Pet Oct 19. Young.
Hastings, Nov 3 at 11. Philbrick, Hastings.
Brookfield, Wm, Everton, Lpool, Beerseller. Pet Oct 18. Hime.
Lpool, Nov 1 at 3. Nordon, Lpool.
Broom, Saml, & Francis Lea Broom, Kidderminster, Worcester,
Worsted spinners. Pet Oct 18. Tudor. Eirm, Nov 5 at 12.
Hodgson & Son, Birm.
Brown, Geo Edwin, Beeston, Notts, Draper. Pet Oct 18. Patchitt.
Nottingham, Nov 17 at 10.30. Cranch, Nottingham.
Burgess, Hy, Clitheroe, Lancashire, Chairmaker. Pet Oct 18. East-
ham. Clitheroe, Nov 6 at 10. Hall & Baldwin, Clitheroe.
Burrow, John, Bristol, Carpenter. Pet Oct 19. Harley. Bristol, Nov
5 at 12. Stevens.
Chambers, Joseph, Maidstone, Kent, Bricklayer. Pet Oct 15. Souda-
more. Maidstone, Nov 1 at 11. Stephenson, Maidstone.
Cole, Sarah, East Lillworth, Dorset, out of business. Pet Oct 18.
Filitier. Warrham, Oct 29 at 1. Lacey, Warrham.
Courtney, Edwd, Heavitree, Devon, Commercial Traveller. Pet Oct 18.
Daw. Exeter, Nov 1 at 11. Campion, Exeter.
Crundwell, Wm, Langley, Kent, Grocer. Pet Oct 18. Soudamore.
Maidstone, Nov 1 at 11. Stephenson, Maidstone.
Dals, John, Prisoner for Debt, Manch. Pet Oct 12 (for pau). Kay.
Manch, Nov 10 at 9.15. Ambler, Manch.
Darby, Hy Augustus, Fley, York, Lodging-house Keeper. Pet Oct 19.
Leeds, Nov 8 at 11. Richardson, Bridlington; Clarke, Leeds.
Dewnars, John Sawley, Gt Driffield, York, Book-keeper. Pet Oct 18.
Tonge. Gt Driffield, Nov 4 at 11. Hodgson, Gt Driffield.
Dobson, Wm, & John Waterman, Wragby, Lincoln, Cordwainers. Pet
Oct 12. Rhodes. Market Rasen, Nov 3 at 11. Tweed, Lincoln.
Doling, Saml, Gosport, Hants, Baker. Pet Oct 16. Howard. Ports-
mouth, Nov 16 at 12. Cousins, Portsmouth.
Edens, John, Sutton St Nicholas, Lincoln, Wheelwright. Pet Oct 15.
Caporn. Holbeach, Nov 3 at 11. Mossop, Long Sutton.
Eldershaw, Hy, Lancaster, Hosier. Pet Oct 28. Fardell. Manch,
Nov 1 at 11. Brandwood, Manch.
Emmott, Saml, & Wm Emmott, Manch, Comm Agents. Pet Oct 20.
Fardell. Manch, Nov 3 at 11. Heywood, Manch.
Fenton, Marc, Kingston-upon-Hull, Wheelwright. Pet Oct 19.
Phillips. Kingston-upon-Hull, Nov 9 at 12.30. Turner, Kingston-
upon-Hull.
Fisk, Geo Hy, Rock Ferry, Cheshire, Drysalter. Pet Oct 19. Lpool,
Nov 4 at 11. Morris, Lpool.
Frost, Wm, Prisoner for Debt, York. Adj Oct 16. Leeds, Nov 3 at 12.
Farnell, Mark, Clitheroe St Mary, Wilts, Shoemaker. Pet Oct 20. Pont-
ing. Warminster, Nov 5 at 12. Wakeman, Warminster.
Garrett, John, & Thos Garrett, Ince, within Mackerfield, Lancashire,
Manufacturing Chemists. Pet Oct 16. Macrae. Manch, Nov 5 at 11.
Ashton, Wigan; Richardson, Manch.
Gay, John, Gideaigh, Devon, Farmer. Pet Oct 16. Burd. Okehampton,
Nov 6 at 19. Fulford, Northtawton.
Gilbert, Wm, Prisoner for Debt, Bury-st-Edmunds. Adj July 13. Collins.
Bury-st-Edmunds, Nov 2 at 11.
Gillett, Joseph, Chorley, Lancashire, Beerseller. Pet Oct 19. Part.
Chorley, Nov 4 at 10.30. Forshaw, Preston.
Gittins, Louisa, Wolverhampton, Stafford, Baker. Pet Oct 19. Brown.
Wolverhampton, Nov 1 at 12. Thurstans & Cartwright, Wolver-
hampton.
Hamball, Jas, Salford, Lancashire, Cabinet Maker. Pet Oct 18. Hul-
ton. Salford, Nov 6 at 9.30. Gardner, Manch.

Harris, Matthew, Bodmin, Cornwall, Labourer. Pet Oct 19. Collins.
Bodmin, Nov 13 at 10. Collins, Bodmin.
Harvey, Chas, Clifton, Bristol, out of business. Pet Oct 18. Harley.
Bristol, Nov 5 at 12. Beekingham.
Heaton, Hy, Cradley-heath, Stafford, Ironfounder. Pet Oct 16. Wal-
ker. Dudley, Nov 4 at 12. Stokes, Dudley.
Helps, Wm Hy, Prisoner for Debt, Bristol. Pet Oct 18 (for pau). Har-
ley. Bristol, Nov 5 at 12.
Hicks, Thos, Boscloggs, Cornwall, Farmer. Pet Oct 16. Chilcott. Truro,
Nov 3 at 11. Carlyn & Paull, Truro.
Hopkins, Geo, Landport, Hants, Greengrocer. Pet Oct 16. Howard.
Portsmouth, Nov 16 at 12. Champ, Portsmouth.
Howard, Edwd, Tynemouth, Northumberland, Comm Agent. Pet Oct
18. Gibson. Newcastle-upon-Tyne, Nov 3 at 12. Johnston, New-
castle-upon-Tyne.
Jackson, Wm Thos, Peterborough, Northampton, Fishmonger. Pet
Oct 16. Gaches. Peterborough, Nov 6 at 11. Law, Stamford.
Jones, John Morris, Swansea, Glamorgan, Accountant. Pet Oct 4.
Morris. Swansea, Nov 2 at 2. Clifton, Swansea.
James, Hy, Nottingham, Cotton Dealer. Adj Sept 28. Patchitt.
Nottingham, Nov 17 at 10.30. Cranch, Nottingham.
Jones, Jas, Bristol, Printer. Pet Oct 19. Harley. Bristol, Nov 5 at
12. Naish.
Jones, Saml, Prisoner for Debt, Carnarvon. Adj Oct 13. Hughes.
Conway, Nov 5 at 3. Jones, Conway.
Jones, Richd, (and not Richd Hughes, as advertised in the Gazette of the
19th inst), Holyhead, Anglesey, Innkeeper. Pet Oct 15. Lpool.
Oct 29 at 12. Evans & Lockett, Lpool.
Jones, Wm, Llanwrst, Denbigh, Coal Merchant. Pet Oct 19. Lpool.
Nov 3 at 12. Evans & Lockett, Lpool.
Keal, Taylor, Hulme, Manch, Bricklayer. Pet Oct 18. Hulton. Sal-
ford, Nov 6 at 9.30. Ellithorne, Manch.
Lee, Jas, Hulme, Manch, Beer Retailer. Pet Oct 19. Hulton. Sal-
ford, Nov 6 at 9.30. Ellithorne, Manch.
Lord, Reuben, Manch, Beer Retailer. Pet Oct 18. Kay. Manch,
Nov 11 at 9.30. Ambler, Manch.
Matthews, Edwd, Blackpool, Lancashire, Dealer in Fancy Goods. Pet
Oct 19. Lpool, Nov 5 at 12. Bellringer, Lpool.
Miles, Hy, Salford, Lancashire, French Polisher. Pet Oct 18. Hulton.
Salford, Nov 6 at 9.30. Gardner, Manch.
Morris, Alfred, Clay-cross, Derby, Journeyman Tailor. Pet Oct 16.
Wake. Chesterfield, Nov 9 at 11. Gae, Chesterfield.
Nelson, Richd, Peltou, Durham, Colliery Heap Keeper. Pet Oct 20.
Gibson. Newcastle-upon-Tyne, Nov 3 at 12. Steel, Sunderland.
Oakley, Richd, & Wm Brown, Shrewsbury, Salop, Millers. Pet Oct 20.
Tudor. Birm, Nov 5 at 12. Search & Sprout, Shrewsbury; James
& Grange, Birm.
Painter, Wm, Prisoner for Debt, Bristol. Pet Oct 13 (for pau). Har-
ley. Bristol, Nov 5 at 12.
Paul, Hugh Jas, Crumppall, nr Manch, Journeyman Engineer. Pet
Oct 20. Kay. Manch, Nov 11 at 9.30. Needham, Manch.
Pearman, Jas, Birm, Pork Butcher. Pet Oct 20. Tudor. Birm, Nov
5 at 12. Free, Birm.
Pinchin, Jas, Market Lavington, Wilts, Builder. Pet Oct 15. Norris.
Devizes, Nov 4 at 10. Hawling, Melksham.
Powell, John, Abergavenny, Monmouth, Innkeeper. Pet Oct 16. Babb.
Abergavenny, Nov 5 at 11. Gardner, Abergavenny.
Rayner, Wm Hy, Cliftonville, Sussex, Ironmonger. Pet Oct 19. Ever-
shed. Brighton, Nov 5 at 11. Holtham, Brighton.
Robinson, Benj, Nottingham, Coal Dealer. Pet Oct 19. Tudor, Birm,
Nov 2 at 11. Belk, Nottingham.
Robinson, Edwin, Heckmondwike, York, Innkeeper. Pet Oct 18. Leeds,
Nov 8 at 11. Scholes & Brearey, Dewsbury; Simpson, Leeds.
Savage, Hy, Newcastle-upon-Tyne, Bookseller. Pet Oct 20. Gibson.
Newcastle-upon-Tyne, Nov 10 at 12. Johnston, Newcastle-upon-
Tyne.
Southwick, Edwin, Rochdale, Lancashire, Cabinet Maker. Pet Oct 12.
Jackson. Rochdale, Nov 4 at 10. Lawton, Rochdale.
Stead, Danl, Prisoner for Debt, Lancaster. Adj Oct 14. Jackson.
Rochdale, Nov 4 at 11. Law, Manch.
Stringwell, Wm, Gainsborough, Lincoln, Bricklayer. Pet Oct 16. Bar-
ton. Gainsborough, Nov 4 at 10. Bladon, Gainsborough.
Taylor, Geo, Littlemeer, Derby, Shopkeeper. Pet Oct 19. Wake. Ches-
terfield, Nov 9 at 11. Cutts, Chesterfield.
Tomlinson, Wm, Hanley, Stafford, Grocer. Pet Oct 18. Challiner.
Hanley, Nov 13 at 11. Tennant, Hanley.
Walker, Wm, Jun, Lindley, nr Huddersfield, Woollen Manufacturer.
Pet Oct 19. Leeds, Nov 8 at 11. Clough, Huddersfield; Simpson.
Leeds.
Wall, Jas, Stockport, Cheshire, Publican, & Thos Chas Pearson, Stock-
port, Cheshire, Plumber. Pet Oct 19. Fardell. Manch, Nov 8 at 11.
Johnston, Manch.
Wardle, Wm, Prisoner for Debt, Lancaster. Adj Oct 14. Hime. Lpool,
Nov 4 at 3.
Wigginton, Jas, Knessington, Leicester, Labourer. Pet Oct 18. Hough.
Oakham, Nov 11 at 3. Law, Stamford.
Willard, Thos Geo, Rugby, Warwick, Licensed Victualler. Pet Oct 18.
Tudor. Birm, Nov 5 at 12. Hodgson & Son, Birm.
Worthington, Isaac, Hartford, Cheshire, out of business. Pet Oct 19.
Lpool, Nov 5 at 12. Brooke, Nantwich.
Wray, John, Giggleswick, York, Butcher. Pet Oct 18. Atkinson.
Settle, Nov 4 at 11. Robinson, Settle.
Youngusband, Oswald, Birkenshead, Cheshire, Mercantile Clerk. Pet
Oct 19. Wason. Birkenshead, Nov 3 at 10. Rae, Lpool.

TUESDAY, Oct. 26, 1869.

To Surrender in London.

Alard, Thos, Caledonian-rd, Decorator. Pet Oct 21. Murray. Nov 8
at 2. Hicks, Coleman-st.
Ashton, Thos, Queen's-row, Camberwell, out of business. Pet Oct 21.
Murray. Nov 8 at 1. Harper & Co, Wood-lane.
Backhurst, Wm, Andrew Backhurst, & Jas Backhurst, River-pk-rd,
Wood-green, Builders. Pet Oct 22. Murray. Nov 8 at 1. Poncioe,
Jun, Wood-green.
Bartlett, Richd, Drury-st, Drury-lane, Licensed Victualler. Pet Oct
20. Pepps. Nov 11 at 11. Lewis & Lewis, Ely-pl, Holborn.
Bean, Geo, Horsemy-pk-rd, out of business. Pet Oct 21. Murray. Nov
8 at 1. Stanley, Austinfriars, Old Broad st.

Beecham, Ashton Crofts, Southampton, Draper. Pet Oct 23. Murray Nov 8 at 11. Wilkinson & Howlett, Bedford-st, Covent-garden, for Guy, Southampton.
Barrett, Hy, Holled-st, Blackfriars-rd, Brush Manufacturer. Pet Oct 22. Murray. Nov 8 at 1. Edwards, Bush-lane, Cannon-st.
Bernard, Louis, Albert-ter, Albert-sq, Clapham-rd, Comm Agent. Pet Oct 22. Murray. Nov 8 at 1. Plews & Irvine, Mark-lane.
Britton, Geo, Spencer's Wood, Berks, Plumber. Pet Oct 21. Murray. Nov 8 at 12. Cooke, Gresham-bldgs, Guildhall.
Brown, Jesse, John, Dulwich rd, Auctioneer's Clerk. Pet Oct 23. Murray. Nov 10 at 1. Harcourt & Macartur, Moorgate-st.
Buck, Jas, jun, Prisoner for Debt, London. Pet Oct 20 (for pau). Murray. Nov 8 at 11. Lawrence, Lincoln's-inn-fields.
East, Wm, Prisoner for Debt, London. Pet Oct 20 (for pau). Murray. Nov 8 at 11. Higby, Gresham-st.
Embleton, John Wm, Prisoner for Debt, London. Adj Oct 16. Nov 10 at 12.
Eutichidi, Eliz, Prisoner for Debt, Maidstone. Adj Oct 20. Roche. Nov 15 at 12.
Foster, Hy, Jas Granville, Caledonian-rd, Grocer. Pet Oct 20. Murray. Nov 8 at 12. Digby & Sons, Lincoln's-inn-fields.
Garner, Thos, Bromley, Kent, out of business. Pet Oct 23. Murray. Nov 10 at 11. Begbie, Essex-st, Strand.
Goldstein, Reuben, Carnaby-st, Regent-st, Woollen Draper. Pet Oct 23. Murray. Nov 10 at 12. Scarth, Welbeck-st, Cavendish-sq.
Grace, Geo, Southampton, Baker. Pet Oct 23. Murray. Nov 10 at 12. Guy, Southampton.
Hessey, Hen, Cookham Dean, Berks, Fruiterer. Pet Oct 23. Murray. Nov 10 at 11. Cooke, Gresham-bldgs.
Hudson, Samuel, Prisoner for Debt. Adj Oct 16. Nov 10 at 12.
Johnson, Hepzibah, Gloucester-ter, Penge-rd, South Norwood, Milliner. Pet Oct 23. Murray. Nov 10 at 12. Watson, Basinghall-st.
Jones, Rebecca, Holborn-hill, Holborn, Tobacconist. Pet Oct 21. Murray. Nov 8 at 12. Lewis & Lewis, Ely place, Holborn.
Law, Wm, Alex, Frampton-pk-rd, Hackney, Mineral Waters Manufacturer. Pet Oct 21. Nov 10 at 11. Brighton, Bishopgate-st Without.
Lowman, Geo, Hainhall-st, Licensed Victualler. Pet Oct 23. Murray. Nov 8 at 12. Bart, Guildhall chambers.
Macdonald, Archibald, Prisoner for Debt, London. Adj Sept 21. Pepsys. Nov 11 at 11.
Mascall, Wm, Prisoner for Debt, Maidstone. Adj Oct 20. Roche. Nov 15 at 12.
Mitchell, Wm, Durnford, Wilts, Carpenter. Pet Oct 23. Murray. Nov 10 at 12. Higby, Gresham-st.
Morgan, Hy, Charlotte-st, Buckingham-gate, no business. Pet Oct 22. Nov 10 at 11. Murray, Gr st, Helens.
Osborne, Joseph, John, Devonshire-pl, Turnham-green, Builder. Pet Oct 21. Murray. Nov 8 at 12. Hales, Clifford's-inn, Fleet-st.
Palmer, Robt, Fowle, & Edw Newness, Strathmore-rd, Croydon, Builders. Pet Oct 22. Pepsys. Nov 11 at 11. Pullen, Queen's-sq, Bloomsbury.
Peterson, John Nicholas, Prisoner for Debt, London. Pet Oct 23. Murray. Nov 10 at 1. Young & Sons, Mark-lane.
Porter, John Ralph Sneyd, Antill-rd, Old Ford, Bow, Commercial Traveller. Pet Oct 22. Nov 10 at 11. Holmes, Fenchurch-st.
Priestman, Wm, Prisoner for Debt, London. Pet Oct 21. Murray. Nov 8 at 12. Elmslie & Co, Leadenhall-st.
Pryor, Geo, Wm, Adelle-st, Trimming Manufacturer. Pet Oct 23. Murray. Nov 8 at 12. Breden, Union-st, Old Broad-st.
Rambol, Geo, Queen-st South, Camberwell, Bricklayer. Pet Oct 23. Murray. Nov 10 at 12. Mayo, Kennington-pk-rd.
Scher, John Hy, Hampstead-road, Boot Maker. Pet Oct 22. Murray. Nov 8 at 12. Lewis & Co, Old Jewry.
Shepherd, John Broadwood, Sloane-sq, Pianoforte Tuner. Pet Oct 23. Murray. Nov 10 at 1. Godfrey, Hatton-garden.
Silk, Charles, Tower-st, Waterloo-rd, Pork Butcher. Pet Oct 22. Murray. Nov 8 at 2. Dale, jun, Gray's-inn-sq.
Speller, John Thos, John's-ter, Princes-rd, Lambeth, Assistant to a Fishmonger. Pet Oct 21. Murray. Nov 8 at 12. Ditton, Ironmonger-lane.
Staines, Jas, Prisoner for Debt, London. Pet Oct 22 (for pau). Murray. Nov 10 at 11. Lawrence, Lincoln's-inn-fields.
Stannard, Edw Jenner, Prisoner for Debt, London. Pet Oct 20 (for pau). Pepsys. Nov 11 at 11. Miller, Bond-st House, Walbrook.
Suffield, John, Prisoner for Debt, London. Pet Oct 22 (for pau). Murray. Nov 10 at 11. Laurence, Lincoln's-inn-fields.
Tomkins, Abraham Hannell, Tyase-st, Clerkenwell, Hay and Corn Dealer. Pet Oct 21. Murray. Nov 8 at 1. Cooke, Gresham-bldgs.
Webb, Geo, Fenchurch st, Shipping Agent. Pet Oct 23. Murray. Nov 10 at 12. Peverley, Gresham-bldgs, Guildhall.
Withers, Edwd, John's-mews, Little James's-st, Bedford-row, Livery-stable Keeper. Pet Oct 20. Pepsys. Nov 11 at 11. Young, Bedford-row.
Woodhouse, Chas, Manor-ter, Devonshire-rd, Chiswick, Builder. Pet Oct 23. Murray. Nov 10 at 12. Perry, Guildhall-chambers.

To Surrender in the Country.

Ayers, Charlotte, Dover, Kent. Pet Oct 20. Greenhow. Dover, Nov 5 at 12. Minter, Dover.
Ayers, John, Wisbeach St Peter, Cambridge, Grocer. Pet Oct 23. Metcalfe. Wisbeach, Nov 10 at 11. Watson, Wisbeach.
Baxter, Wm, jun, Beeston Hill, Holbeck, York, Merchant. Pet Oct 22. Leeds, Nov 8 at 11. Rider, Leeds.
Beal, Tom Hide, Brighton, Sussex, Corkcutter. Pet Oct 21. Evershed. Brighton, Nov 10 at 11. Mills, Brighton.
Billingham, Wm, sen, Northampton, Bookseller. Pet Oct 23. Dennis. Northampton, Nov 13 at 10. Becke, Northampton.
Bonney, John Reed, Exeter, Confectioner. Pet Oct 30. Daw. Exeter. Nov 6 at 11. Treherne jun, Exeter.
Bowles, Geo John, Woolston, Hants, Poulterer. Pet Oct 23. Thorndike. Southampton, Nov 3 at 12. Guy, Southampton.
Briggs, John, Osset, York, Cloth Manufacturer. Pet Oct 21. Nelson. Dewsbury, Nov 11 at 3. Stringer, Osset.
Clapham, Thos, Manningsham, Bradford, out of business. Pet Oct 15. Bradford, Nov 5 at 9 15. Rhodes, Bradford.
Clark, John, Spalding, Lincoln, Blacksmith. Pet Oct 16. Bonner. Spalding, Nov 9 at 10. Selby, Spalding.

Dale, Joseph, Skipton, York, Coach Builder. Pet Oct 22. Leeds, Nov 8 at 11. Patchet, Skipton.
Davies, Thos, Ebbw Vale, Monmouth, Grocer. Pet Oct 23. Shepard. Tredegar, Nov 12 at 11. Harris, Tredegar.
Duncan, Peter, Barsley, York, Cabinet Maker. Pet Oct 20. Bury. Barsley, Nov 6 at 11. Freeman, Huddersfield.
Emery, Saml Palmer, New Cross, Wednesfield, Stafford. Pet Oct 21. Brown. Wolverhampton, Nov 8 at 12. Smith, Wolverhampton.
Evans, Hy Job, Leominster, Hereford, Grocer. Pet Oct 21. Tudor. Birm, Nov 5 at 12. James & Griffin, Birm.
Farrie, Jas, Sheffield, York, Tea Dealer. Pet Oct 21. Wake. Sheffield, Nov 11 at 1. Diner & son, Sheffield.
Fawcett, John Haldane, Huddersfield, York, Plumber. Pet Oct 9. Jones. Huddersfield, Nov 5 at 10. Freeman, Huddersfield.
Firth, Geo, Prisoner for Debt, Leeds. Adj Oct 16. Leeds, Nov 8 at 11. Haigh, Joseph, Prisoner for Debt, York. Adj Oct 16. Leeds, Nov 8 at 11.
Hancock, Joseph, Kildgrove, Stafford, out of business. Pet Oct 21. Challinor. Hanley, Nov 13 at 11. Sutton, Burslem.
Henry, Edmund, Nantyglo, Monmouth, Contractor. Pet Oct 20. Shepard. Tredegar, Nov 12 at 11. Harris, Tredegar.
Holehouse, Geo, Lpool, Horse Dealer. Pet Oct 20. Hime. Lpool, Nov 5 at 3. Lumb, Lpool.
Jones, Wm, Bristol, Brewer. Pet Oct 19. Wilde. Bristol, Nov 6 at 11. Benson & Elletson, Bristol.
Lane, Albert David, Prisoner for Debt, Norwich. Adj Oct 19 (for pau). Palmer. Norwich, Nov 8 at 11.
Lewis, Thos, Merthyr Tydfil, Glamorgan, Tailor. Pet Oct 20. Russell. Merthyr Tydfil, Nov 6 at 11. Plews, Merthyr Tydfil.
Morris, John, Bagillt, Flint, Innkeeper. Pet Oct 21. Williamson. Holywell, Nov 10 at 11. Davies, Holywell.
Moss, Edmd, Lpool, out of business. Pet Oct 20. Lpool, Nov 5 at 11. Thornley, Lpool.
Napper, Richd, Gaihampton, Somerset, Carpenter. Pet Oct 22. Messiter. Wincanton, Nov 11 at 12. Haleh, Bruton.
Ogier, Jas Isaac, Freemantle, Hants, Draper. Pet Oct 20. Thorn-dike. Southampton, Nov 3 at 12. Guy, Southampton.
Pither, Robt, Dover, Kent, out of business. Pet Oct 20. Greenhow. Dover, Nov 5 at 12. Minter, Dover.
Ramsden, Wm, Warley, Halifax, York, Common Brewer. Pet Oct 23. Rankin. Halifax, Nov 5 at 10. Storey, Halifax.
Read, Jas, Tonbridge, Kent, Plumber. Pet Oct 21. Alleyne. Tonbridge, Nov 5 at 10. Palmer, Tonbridge.
Ross, Wm, Darlington, Beerhouse Keeper. Pet Oct 21. Bowes. Darlington, Nov 9 at 10. Wooler, Darlington.
Smart, Geo, Cardiff, Glamorgan, Beerhouse Keeper. Pet Oct 22. Langley. Cardiff, Nov 8 at 11. Morgan, Cardiff.
Smith, John, Oldham, Lancashire, Watchmaker. Pet Oct 21. Tweedale. Oldham, Nov 5 at 12. Clark, Oldham.
Speed, Robt Storey, Prisoner for Debt, Durham. Adj. Bowes. Darlington, Nov 9 at 11. Clayhills, Darlington.
Stuart, Hy, Goose-green, Pemberton, Lancashire, Engineer. Pet Oct 23. Lpool, Nov 8 at 11. Harris & Culshaw, Lpool.
Thewiss, Benj, Oldham, Lancashire, out of business. Pet Oct 23. Tweedale. Oldham, Nov 5 at 12. Ascroft, Oldham.
Turner, Eleanor, Fenwortham, Lancashire, Brewer. Pet Oct 9. Lpool. Nov 8 at 12. Pemberton, Lpool.
Turner, John, Birm, Writing Clerk. Pet Oct 18. Guest. Birm, Nov 19 at 10. Allen, Birm.
Unthank, Wm, West Hartlepool, Durham, Spirit Merchant's Assistant. Pet Oct 23. Child. Hartlepool, Nov 3 at 11. Hopper, West Hartlepool.
Walton, Fanny, Castle Northwich, Cheshire, Beerseller. Pet Oct 22. Cheshire. Northwich, Nov 6 at 10. Fletcher, Northwich.
Watson, Peter, Whitby, York, Spirit and Ale and Porter Merchant. Pet Oct 21. Duchman. Whitby, Nov 9 at 11. Hunter, Whitby.
Weaver, Jas, Wolverhampton, Stafford, Licensed Victualler. Pet Oct 20. Brown. Wolverhampton, Nov 8 at 12. Thurstans, Wolverhampton.
Williams, Thos, Gian-y-pwl, near Wrexham, Denbigh, out of business. Pet Oct 21. Edwards. Ruthin, Nov 6 at 11. Adams, Ruthin.
Windsor, Geo, Wednesbury, Staffordshire, Grocer. Pet Oct 23. Tudor. Birm, Nov 5 at 12. Brevitt, Darlington.
Winspear, Chas, Jarrow-on-Tyne, Durham, Ship Repairer. Pet Oct 16. Wawn. South Shields, Nov 2 at 11. Brignal, jun, Durham.

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 22, 1869.

Robinson, Loftus Christopher Hawker, Portsea, Hants, Commander R.N. Oct 15.

TUESDAY, Oct. 26, 1869.

Champion, Geo, Galding, Kent, Builder. Oct 23.
Lees, Jas, & Wm Lees, Denton, Lancashire, Common Brewers. Oct 23.
Tomkins, Wm Price, Bexley Heath, Kent, Pig Dealer. Oct 22.
Woodall, Adam Crompton, Prisoner for Debt, Lancaster. Oct 20.

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PROPOSAL FOR LOAN ON MORTGAGES.

Date.....
Introduced by (state name and address of solicitor)
Amount required £
Time and mode of repayment (i.e., whether for a term certain, or by annual or other payments)
Security (state shortly particulars of security, and, if land or buildings, state the net annual income).
State what Life Policy (if any) is proposed to be effected with the Gresham Office in connection with the security.

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The Directors of the Royal Insurance Company have the pleasure of
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of the Company, available for the purpose of meeting any unusual calamity happening to the Assured, is

TWO MILLIONS STERLING.
The amount actually paid up is £288,493. This, with the Accumulated Funds in hand, makes the invested resources of the Company upwards of ONE MILLION SIX HUNDRED THOUSAND POUNDS, which amount is invested as follows:—

30TH JUNE, 1869.

£20,000 Reduced Three per Cent. Consols.....	£28,985	1	3
India Government Five per Cent. Debentures	100,000	0	0
United States Government Stocks	101,330	7	10
Canada Bonds and Canada Dominion Stock.....	31,106	11	0
Mortgages on freehold property and real property owned by the Company.....	253,071	11	3
English railway debenture bonds	59,090	17	7
First-class English railway preference and guaranteed stocks.....	335,476	11	11
Loans to local authorities of various towns in Great Britain who have obtained the sanction of the Secre- tary of State to borrow the amounts.....	145,560	12	6
Bonds of the Mersey Docks and Harbour Board.....	62,341	14	8
Bonds of the British and Irish Magnetic Telegraph Company	10,000	0	0
Bonds of the Liverpool Corporation	5,160	0	0
Short loans on first-class English dividend-paying stocks with ample margin	477,195	0	0
Loans on security of life policies	63,993	8	5
	£1,672,356	16	11

The above is a complete list of the investments of the Company at the date specified, in addition to which the funds are still further increased, by amounts constantly varying, at different periods, in the hands of the bankers and the Company's agents. At 31st December, 1898, these stood at £163,098 2 0

The satisfaction of the public in the securities belonging to the Company are annually submitted to the careful scrutiny of two independent auditors, and the following is an extract from their report to the last annual meeting :—

"The whole of your books have been audited—every document, every account, every voucher, your bank-books and every security—all have been most carefully kept, and there is not one doubtful security in the whole."

The accumulations of the Life Department, after payment of losses, annuities, and expenses of every description, have been as follows:—

Funds in hand at the last quinquennial valuation, 31st December, 1864

£621,434	15	5
Added to 31st December, 1865.....	103,146	7
“ “ “ 1866.....	124,165	7
“ “ “ 1867.....	128,583	5
“ “ “ 1868.....	144,945	12

Total accumulation of the Life Department on 31st December, 1868, exclusive of shareholders' capital... £1,122,275 8 1

The valuation of the Life Liabilities has been completed, and when duly verified by the Consulting Actuary of the Company the result will be added to the present statement.

The Directors also think it desirable to state that the BUSINESS of the ROYAL has NEVER BEEN AMALGAMATED with that of ANY OTHER COMPANY, and that the liability of its Shareholders is unlimited.

JOHN H. M'LAREN, Manager.
JOHN B. JOHNSTON, Secretary in London.

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	£	s.	d.
Viz., on the 20th August, 1868.....	3,172,604	15	8
Sum assured—inclusive of bonus additions—at that date.....	5,380,750	2	11
Estimated liability thereon (Northampton table of mortality, 3 per cent. interest).....	1,481,569	0	4
That is less than one-half the fund invested.....			
Total amount of bonus additions made to policies ...	2,395,059	10	9
Amount of profit divided for the seven years ending 20th August, 1868.....	532,365	7	9
Annual income.....	314,867	14	3
Total claims paid—inclusive of bonus additions.....	6,627,044	7	7

Copies of the Annual Reports and Balance-sheets, as well as of the periodical valuation accounts, tables of rates, and every information, to be obtained on application.

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Sussex, near Tunbridge-wells.—Freehold Residential Estate, in a particularly healthy and attractive district, two miles from Rotherfield and Erridge Stations, and $\frac{1}{2}$ from Tunbridge-wells.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, October 26, at 2, in two lots:—Lot 1. The substantial stone-built FAMILY RESIDENCE, known as Steel Cross-house, in the parish of Rotherfield, together with attractive pleasure grounds, kitchen gardens, stabling, neat cottage, well-timbered park-like pastures, hop garden, and arable land, in all 52a. 1r. 25p.; Lot 2, in close proximity to the above, comprises a capital Freehold Farm, known as Pellings or Marlings, with farm-house, two cottages, farm buildings, and enclosures of sound arable, meadow, and woodland, in all about 56a. 1r. 10p. The residence on lot 1 contains ample accommodation for a gentleman's family, it is in first rate condition, and commands some of the finest views of the neighbourhood. Lot 2 is a picturesque little farm, and would either be a valuable adjunct to lot 1, or form an excellent site for the erection of another residence. Possession of the whole may be had. Particulars of Mr. W. Sturt, solicitor, 14, Ironmonger-lane; and of the auctioneers, 80, Cheapside.

Regent's Canal, near Queen's-road, Dalston, and Haggerston Station.—Extensive Manufacturing and Warehouse Premises.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, near the Bank, on Tuesday, October 26, at 2, extensive PREMISES in Fowall-road, also the Residence, No. 27, Fowall-road, adjoining the whole occupying the important area of 14,600 square feet, and let on lease to the European Rubber Company for an unexpired term of 3 $\frac{1}{2}$ years, at a rent of £250; held for about 75 years, at a ground rent of £14 6s. per annum. Particulars of Messrs. Sole, Turner, & Turner, solicitors, 68, Aldermanbury; and of the auctioneers, 80, Cheapside.

Hertfordshire.—A first-class Country House, on a moderate scale, with lodge-entrance, stabling, premises, and seven acres of land. The property occupies a beautiful position, on a hill, overlooking the New River and a richly timbered valley, within three-quarters of a mile of the important station at St. Margaret's, and about three miles from Hereford.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, October 26, at 2, the capital GOTHIC RESIDENCE, known as Hillside, pleasantly situated at Great Amwell, Herts, near the church. It has been constructed at a large cost for the present proprietor, and contains four attics, five bed rooms, two dressing rooms, a bath room, an antique hall 20ft. 6in. by 16ft., drawing room 22ft. 6in. by 16ft. 3in., besides bay, conservatory, dining room 22ft. 3in. by 15ft. 6in., study, housekeeper's room, bed chamber over, dairy, and offices; stabling for three horses, coach house, dwelling room and premises. The approach is by a long drive, with lodge; there are pleasure gardens, grounds, and shrubberies, and a well timbered double paddock. The whole comprises seven acres, and to be sold with possession. Held from the Ecclesiastical Commissioners for 96 years at a ground rent of £33 5s. The house is on a drv. gravelly soil, and is well supplied with water. The Puckeridge and Essex Foxhounds hunt the neighbourhood. Particulars and views (now ready) of Richard Nation, Esq., solicitor, 4, Orchard-street, Portman-square; and of the auctioneers, 87, Cheapside.

South Hackney.—Freehold Ground Rent and a Dwelling House; also Leasehold Business Premises in the City, and a Policy of Assurance.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, October 26, at 2, in Lots, FREEHOLD, 1, St. John's-terrace, Hackney, 10 rooms, and gardens. Estimated value £45, with possession; Ground Rent of £9 per annum from two houses, Hope-cottages, Manor-road, Hackney; Leasehold, 19, Seething-lane, City, held for about eight years, at £65, and 35 years thereafter, at £135, with possession; and a Policy for £1,000, in the Economic Life Office. Particulars (now ready) of Messrs. Cox & Sons, solicitors, 4, Cloak-lane; and of the auctioneers, 80, Cheapside.

City of London.—Thoroughly secured Ground-rent, arising from extensive business premises near the Moorgate-street Terminus, held from the Ecclesiastical Commissioners at a ground rent, and occupied by an old established, first class firm, who have constructed the premises at their own cost.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, October 26, at 2, a NET INCOME of £145 a year from Messrs. Bartholomew's Cabinet Warehouses, at the corner of Finsbury and Ropemaker streets. The premises are of large size and modern construction, and are held for a term of 38 years. Particulars of Messrs. Sole, Turner, & Turner, solicitors, 68, Aldermanbury; and of the auctioneers, 80, Cheapside.

Near Farningham, Kent: with possession.—A superior Freehold Residence, pleasure grounds, most productive gardens and forcing houses, in all 4 $\frac{1}{2}$ acres, completely enclosed by lofty walls, in a favourite district, within five minutes' walk of Farningham-road Station, and three-quarters of an hour's journey from Ludgate-hill.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, Oct. 26, at 2, the desirable FREEHOLD FAMILY RESIDENCE, known as Sutton House, in the favourite parish of Sutton-at-Hone, near Horron Kirby. It commands very pleasing views, is in complete substantial and decorative repair, and contains two attics, seven bed rooms, drawing room 30ft. by 16ft., with bay window, dining room, 30ft. by 13ft., with bay window, library, breakfast room, domestic offices, and excellent cellars; conservatory, fernery, three pineries, two vineries, melon pits, and mushroom house, all heated by hot water, potting shed, fruit house, ice house, &c. The pleasure grounds are planted with shrubs and trees, and the well-kept lawns, with flower beds, afford space for two or three croquet parties. The fruit plantations and kitchen gardens are abundantly stocked, and a portion of the boundary wall is supplied with flies for growing

peaches. The soil is a deep rich loam, and a stream of water bounds one side of the property. Spring and soft water are supplied in abundance, and the drainage is excellent. Particulars (now ready) of Messrs. Vizard & Co., solicitors, 55, Lincoln's-inn-fields; and of the auctioneers, 80, Cheapside.

Surbiton-hill, Surrey.—The choice Freehold Residence, with attractive gardens, for several years the favourite abode of the late Marquis Camarillo Allan. It occupies one of the best positions near the summit of the hill, has the advantages of a dry gravelly soil, pure air, select and fashionable neighbourhood, and unsurpassed facilities for reaching all parts of London by railway, the station being within an easy five minutes' walk. With immediate possession.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, Nov. 2, at 2, the particularly inviting FREEHOLD RESIDENCE, known as Elm-lodge, Surbiton-hill. It is nearly opposite St. Mark's Church, is certainly one of the best parts of this highly-esteemed neighbourhood, and has an accumulation of advantages and elegancies that must make it worth the attention of any gentleman desirous of obtaining a moderate-sized, yet first-class house in this charming locality. The residence contains eight bed rooms, dressing room, bath room, a very pretty suite of reception rooms, with library and well-arranged ground-floor offices. It is surrounded by fully-matured pleasure grounds, with conservatory, summer-house, &c., walled kitchen and fruit garden, in all 1a. 0r. 13p. The frontage of 180 feet to the main road affords space for the convenient erection of stabling. The whole is in excellent order. Particulars of Messrs. Marriott, Jordan, & Cooper, solicitors, 3, Westminster-chambers, Victoria-street; and of the auctioneers, 80, Cheapside.

The Highwood Estate, Mill-hill, Hendon.—A Freehold Residential Property of upwards of 100 acres, beautifully situate on high ground, in a rural and healthy position, within a mile of a station (where there is quick access to Moorgate-street), commanding views over great portions of Herts and Middlesex, and of the country beyond, to the Royal domain at Windsor. For sale with possession, offering a most complete and charming abode for a nobleman, gentleman, or city merchant, or convertible to building purposes, and the creation of ground-rents.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, November 2, at 2, in one lot, the valuable and important FREEHOLD ESTATE, known as Highwood, beautifully situate on Highwood-hill, Hendon; comprising an excellent family residence, with lodge entrance, first class stabling for seven horses, two large coach-houses, a model farmyard, and premises, recently constructed at a large expense, several enclosures of arable and richly-wooded park and pasture land, a plantation of fine old beech trees, with rookery, and an adjacent avenue of limes, in all 101a. 2r. 16p., the whole lying well together within a ring fence, nearly surrounded by good parish roads. The residence, once the abode of Lady Rachel Russell, has 12 good bed rooms, two dressing rooms, spacious handsome, and lofty drawing and dining rooms, library, breakfast room, a large conservatory, and domestic offices; attractive pleasure grounds, and shrubberies, with choice evergreens; there are also an extensive kitchen garden, gardener's cottage, vineries, forcing houses, strawberry-house, &c. The estate is within 10 miles of the city and seven of the west end, and includes some of the highest land in the county. It is well sheltered from the north and east winds by ornamental groves, and from its position and the extensive views which are obtained, it offers numerous valuable sites for building. Included in the purchase are four cottages. The estate will be sold with possession. Particulars, plans, and views of Messrs. Whitbourne & Tozer, solicitors, Teignmouth, Devonshire; of Messrs. Harrison, Finch, & Jennings, solicitors, 2, Gray's-in-square; and of the auctioneers, 80, Cheapside.

St. John's-wood.—A capital Corner Residence, within a few minutes' walk of Marlborough-road and Swiss Cottage Stations, forming a desirable abode for a private family, or specially suitable for a professional man; with possession.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL, at the Mart, on Tuesday, November 2, at 2, GRAYVENOR HOUSE, 10, Abbey-road West. Seven bed rooms, double drawing rooms, dining room, library, breakfast room, and offices. Term 88 years unexpired, at £11. Particulars of H. C. Barker, Esq., solicitor, 11, Great James-street; of Messrs. Bacon & Pows, estate agents, 42, Poultry; and of the auctioneers, 80, Cheapside.

By order of Liquidators.—The Three valuable Freehold Copper and Sulphur Mines, known as Lapilla, Campanario, and Evidencia, the property of the Lapilla Pyrites Company (Limited), together with the plant, and machinery, and cottages for about 300 miners, advantageously situate in the province of Huebla, Spain, within easy distances of the important port of Huebla, near to Tharsis Mine and Tharsis Railway.

MESSRS. DEBENHAM, TEWSON, & FARMER will SELL by AUCTION, at the Mart, near the Bank of England, in the city of London, on Tuesday, November 3 $\frac{1}{2}$ th, at 2, the desirable and valuable FREEHOLD MINES, known as Lapilla, Campanario, and Evidencia, situate in the province of Huebla, Spain. They have been fully opened, and preparations have been made for carrying on operations on an extensive scale. Upwards of 11,000 tons of the mineral have been supplied to large manufacturing firms in England, who will bear testimony as to its value. Particulars, with conditions of sale, may be obtained of Messrs. Lewis, Munns, Nunn, & Lonsdale, solicitors, 8, Old Jewry, E.C.; and of the auctioneers, 80, Cheapside, London.

For remainder of Messrs. Debenham, Tewson, & Farmer's Advertisements, see page 3.

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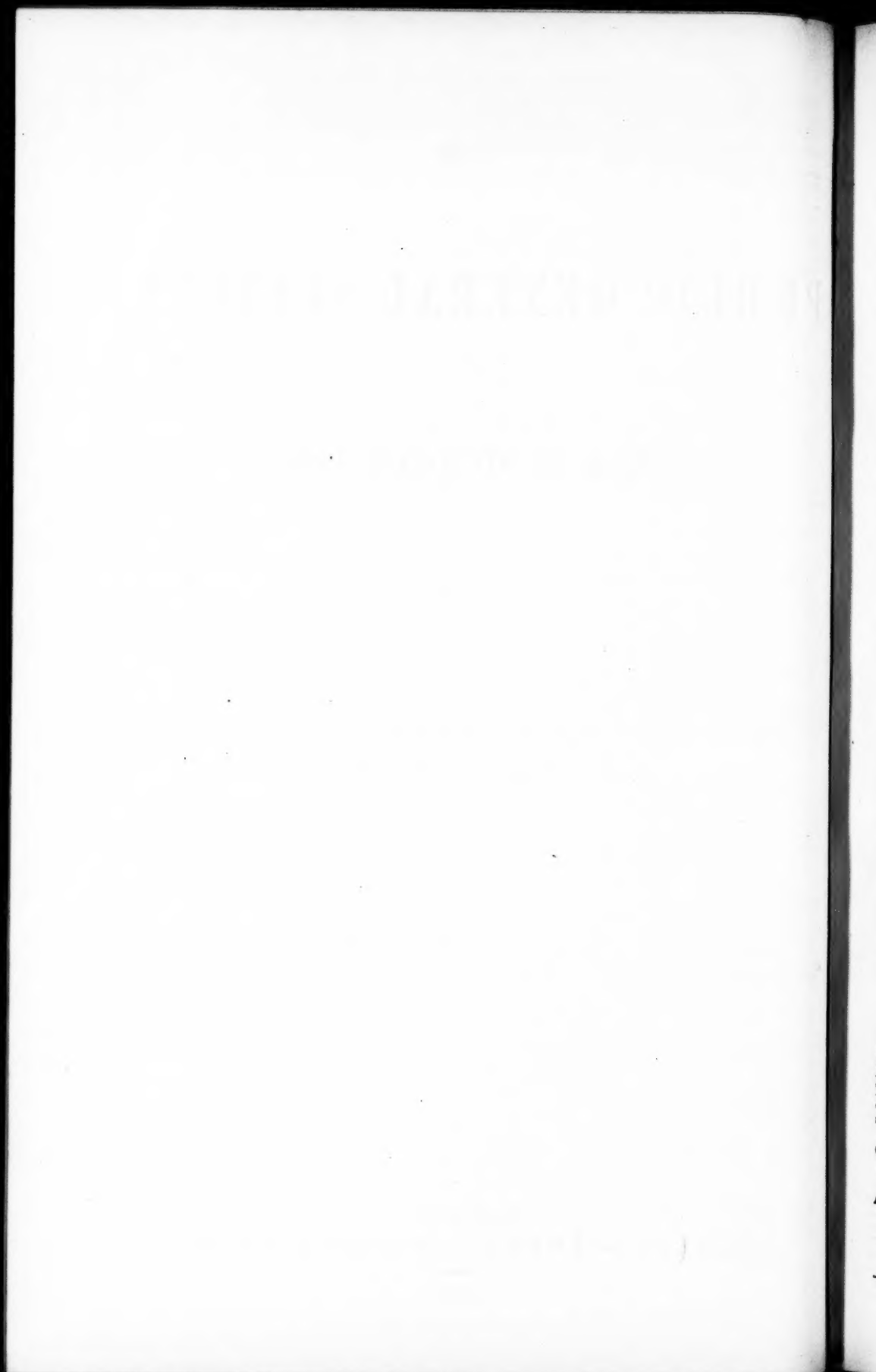
THE
PUBLIC GENERAL STATUTES,

32 & 33 VICTORIÆ, 1869.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON
59, CAREY-STREET, LINCOLN'S-INN, W.C.

1869.



PUBLIC GENERAL STATUTES, 1869.

32 & 33 VICTORIAE.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and sixty-eight, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy. [19th March, 1869.]

CAP. II.

An Act for repealing the Act of the session of the eighth and ninth years of the reign of her present Majesty, chapter one hundred and twenty-two.* [19th April, 1869.]

CAP. III.

An Act to enable Lord Napier of Magdala to receive the full benefit of the salary of member of council for the presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an annuity granted to him under the Act thirty-one and thirty-two Victoria, chapter ninety-one. [19th April, 1869.]

CAP. IV.

An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters. [19th April, 1869.]

CAP. V.

An Act for the regulation of her Majesty's royal marine forces while on shore. [19th April, 1869.]

CAP. VI.

An Act to repeal so much of the Regulation of Railways Act, 1868, as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies. [19th April, 1869.]

Be it enacted &c.

1. *Section 35 of 31 & 32 Vict. c. 119, repealed, so far as relates to provisions herein named.* Section 35 of the Regulation of Railways Act, 1868 (which relates to meetings of incorporated railway companies and the approval by such meetings of bills and certificates for conferring additional powers on those companies), is hereby repealed so far as relates to any bill introduced into either House of Parliament or application for a certificate made after the 1st of February, 1869.

2. *Short title.* This Act may be cited as the Railway Companies Meetings Act, 1869.

CAP. VII.

An Act for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other purposes connected therewith. [19th April, 1869.]

CAP. VIII.

An Act to apply the sum of seventeen millions one hundred thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy. [13th May, 1869.]

CAP. IX.

An Act to amend the Salmon Fishery (Ireland) Act, 1863, and the Acts continuing the temporary provisions of the same. [13th May, 1869.]

CAP. X.

An Act for authorizing the removal of prisoners from one colony to another for the purposes of punishment. [13th May, 1869.]

CAP. XI.

An Act for amending the law relating to the coasting trade and merchant shipping in British possessions. [13th May, 1869.]

Be it enacted, &c.

Preliminary.

1. *Short title.* This Act may be cited as the Merchant Shipping Act, (Colonial) 1869.

2. *Definition of terms "British possession."* "Legislature." In this Act, unless the context otherwise requires,—

The term "British possession" means any territory or place situate within her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as hereinafter defined are deemed to be one British possession for the purposes of this Act:

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only.

3. *Commencement of Act.* This Act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, which day is herein-after referred to as the commencement of this Act.

Coasting trade.

4. *Regulation of coasting trade by colonial legislature.* After the commencement of this Act the legislature of a British possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions:

(1.) The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

(2.) The Act or Ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made.

* Brazilian Slave Trade Act.

- (3.) Where by treaty made before the passing of this Act her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

5. *Sections 328 and 163 of 16 & 17 Vict. c. 107, repealed.* The following sections of the Customs Consolidation Act, 1853, are hereby repealed; namely,

Section 328 as from the commencement of this Act:

Section 163 as from the date in the case of each British possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire.

Merchant Shipping.

6. *Registrars of British ships in British possessions.* It shall be lawful for her Majesty by order in council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession and to revoke any order so made.

After the date specified in the order, or, if no date is specified, after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section 30 of the Merchant Shipping Act, 1854.

7. *Application of Merchant Shipping Acts to Canada.* In the construction of the Merchant Shipping Act, 1854, and of the Acts amending the same, Canada shall be deemed to be one British possession.

8. *Colonial certificates to master, mates, and engineers.* Where the legislature of any British possession provides for the examination of and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for her Majesty by order in council,

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts;
2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order;
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the *London Gazette* of any such order in council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for her Majesty in council to revoke any order made under this section.

CAP. XII.

An Act for protection of naval stores.

[13th May, 1869.]

1. *Short title.*
2. *Interpretation of terms.*
3. 30 & 31 Vict. c. 119, repealed, but not to revive certain enactments.
4. *Marks in schedule appropriated for naval stores.*
5. *Obiteration with intent to conceal.*
6. *Power for policemen of metropolitan force to stop suspected persons, &c., and punishment for possession, &c.*

7. *Prohibition of sweeping, &c., within 100 yards of dock-yards, &c. Penalty (£5 or three months' imprisonment).*

8. *Penalty on dealer, &c., found in possession of stores, and not accounting for them.*

9. *Conviction of dealer in old metals.* 21 & 25 Vict. c. 110

10. *Parts of 24 & 25 Vict. c. 96, incorporated.*

11. *Penalties, &c., to be applied under orders of Admiralty.*

12. *Not to prevent persons being indicted under this Act, &c.*

13. *Amendment of section 45 of 28 & 29 Vict. c. 89.*

14. *Extent of Act (England only).*

CAP. XIII.

An Act for amending the law relating to the militia.
[13th May, 1869.]

CAP. XIV.

An Act to grant certain duties of customs and inland revenue, and to repeal and alter other duties of customs and inland revenue.
[24th June, 1869.]

CAP. XV.

An Act to remove doubts as to the qualification of persons holding civil service pensions, or receiving superannuation allowances, to sit in Parliament.
[24th June, 1869.]

CAP. XVI.

An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania.
[24th June, 1869.]

CAP. XVII.

An Act for the preservation of sea birds.
[24th June, 1869.]

CAP. XVIII.

An Act to amend the Lands Clauses Consolidation Act.
[24th June, 1869.]

Whereas it is expedient that the provisions contained in the Lands Clauses Consolidation Act, 1845, should be amended:

Be it enacted, &c.

1. *Costs of arbitrations, where either party so requires, to be settled by a master of superior courts.* Where in England, under the Lands Clauses Consolidation Act, 1845, or any Act incorporating the same, any question of disputed compensation is determined by arbitration, the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the superior courts of law; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters, and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

2. *Repeal of 31 & 32 Vict. c. 119, s. 33.* Section 33 of the Regulation of Railways Act, 1868, is hereby repealed and any proceedings commenced in pursuance of that section may be continued under this Act as if they had been commenced under it.

3. *Provision respecting lands in Westminster.* Where any lands by the special Act authorized to be taken are situate within the city and liberty of Westminster, then, with respect to those lands, in every case in which any question, of disputed compensation is required by the Lands Clauses Consolidation Act, 1845, or any Act amending the same, to be determined by the verdict of a jury, the high bailiff of the city and liberty of Westminster, or his deputy, shall be deemed to be substituted for the sheriff throughout such of the enactments of the Lands Clauses Consolidation Act, 1845, and any Act amending the same as relate to the reference to a jury.

4. *Short title. Construction of Acts.* This Act may be cited as the Lands Clauses Consolidation Act, 1869, and shall be construed as one with the Lands Clauses Consolida-

tion Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and these Acts and this Act may be cited together as the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

CAP. XIX.

An Act for amending the law relating to mining partnerships within the Stannaries of Devon and Cornwall, and to the court of the Vice-Warden of the Stannaries. [24th June, 1869.]

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as the Stanneries Act, 1869.

2. *Interpretation of terms.*] In this Act—

The term "the stannaries" means the stannaries of Devon and Cornwall:

The term "the vice-warden" means the vice-warden of the stannaries:

The term "the court" means the court of the vice-warden:

The term "the registrar" means the registrar of the court:

The term "company" includes any persons or partnership body working a mine in the stannaries:

The term "purser" means the purser for the time being of a company, and if there is no purser, then the secretary for the time being, or if there is no secretary, then the principal agent for the time being of a company:

The term "cost book" includes all books and papers relating to the business of a mine, which are for the time being kept by a purser, or which, according to the custom of the stannaries or the directions of the company, ought to be kept by him.

3. *Extent and application of Act.*] This Act extends only to mines within the stannaries, and subject to the jurisdiction of the court, or within the cognizance of the vice-warden; and nothing in this Act shall extend to companies registered under any of the Joint-Stock Companies Acts, except where such companies are expressly mentioned or necessarily implied.

Meetings and proceedings generally.

4. *Majority in value at meeting to bind.*] Except as otherwise provided by this Act, or by the rules or regulations of any company, a resolution passed at a meeting of the company, by the votes of a majority in value of such of the shareholders as are present in person or represented by proxy at the meeting, shall be deemed the resolution of the meeting, and shall be binding on all the shareholders in the company, whether present or absent, but nothing in this clause shall authorize any ordinary meeting to transact any business which an ordinary meeting could not transact at the time of the passing of this Act, except as is herein-after provided.

5. *Proceedings with special notice.*] Where anything to be done by a company is by this Act required to be done at a meeting with special notice, it shall not be valid if done otherwise than at a meeting notice whereof is served on the several shareholders not less than seven clear days before the day of the meeting, specifying the place, day, and hour of meeting, and the business to be transacted thereat, or so much thereof as is required to be done with special notice.

6. *Definition of special resolution.*] A resolution passed by a company shall be deemed a special resolution within this Act when it has been passed at a meeting with special notice, and has been confirmed at a subsequent meeting with special notice; the last-mentioned meeting being held not less than fourteen days and not more than one month after the meeting at which the resolution was first passed.

7. *Regulations by special resolution.*] A company may, by special resolution passed by not less than three-fourths in value of the shareholders present in person or represented by proxy at the meeting held for the purpose of confirming the resolution to be made special, from time to time alter the rules and regulations for the time being by custom or otherwise governing the company, and make new or additional rules or regulations in that behalf; and any rules or regulations so made by special resolution shall be of the like validity and effect as if they had been made at the original formation of the company; but nothing in this Act shall authorize a company to make rules or regulations inconsistent with the provisions of this Act, or shall abrogate

any special rules or regulations existing at the passing of this Act for the management of any company, or shall authorise the making of any special rule or regulation to enable a company existing at the passing of this Act to borrow money.

8. *Service of notices.*] A notice to be served by a company for any purpose of this Act on a shareholder shall be served personally, or shall be served by prepaid letter sent by post addressed to him at his address as entered in the cost book, in which case the notice shall be taken as served at the time when the letter containing it was put into the post office; and in proving such service it shall be sufficient to prove that the letter was properly addressed and prepaid, and was put into the post office, and the time when it was put in.

As regards a company existing at the passing of this Act, the address of a shareholder as known to the purser at the passing of this Act shall be and remain entered in the cost book as his address, unless and until he gives notice in writing to the contrary.

Accounts.

9. *Entry of accounts.*] The purser of every company shall once at least in every four months, truly enter in the cost book of the company accounts showing the actual financial position of the company at the end of the financial month of the company last preceding the time of entry, including a statement of all credits, debts, and liabilities, and distinguishing in such accounts the amount of calls paid and calls not paid, with accurate lists of all the shareholders for the time being in the company, with their respective addresses, corrected from time to time as occasion requires and all other accounts, documents, and things which the purser is for the time being required to enter therein by the custom of the stannaries, or by the directions of the company; and after the passing of this Act all existing or future companies having any rules or regulations touching the management of the company or conduct of the business of any mine, shall file a true copy of them at the office of the registrar without payment of any fee; and such rules or regulations shall be subject to the inspection of all applicants at reasonable times; and if any company shall neglect to file such rules or regulations as above required, then any shareholder in or creditor of any such company may apply for an order of the Court to file such rules or regulations forthwith, which order shall be enforced by the process of the court.

Calls.

10. *Audit and call.*] At any meeting of a company with special notice the accounts of the company may be audited and a call may be made.

11. *Call for prospective expenses.*] A call may be made by a company for the purpose of defraying the whole or any portion of the estimated expenses to be incurred at any time within three months after the date of the meeting at which the call is made.

12. *Discount or interest on calls.*] At the time of making a call, a company may direct that discount not exceeding five per cent. shall be allowed to every shareholder on payment of the call, at or within the time appointed for payment thereof, and may direct that interest at the rate of five pounds per cent. per annum shall be charged on all amounts due on account of a call, and remaining unpaid after one month from the time appointed for the payment thereof.

13. *Recovery of calls, &c.*] The amount for the time being unpaid of any call made after the passing of this Act on any share in a company shall be deemed to be a debt due from the holder of such share to the company, and if at the time appointed by the company for the payment of any such call any shareholder shall fail to pay the amount thereof, it shall be lawful for the company to sue such shareholder for the amount of such call, in any court of law having competent jurisdiction, in the name of the purser for the time being of the company, whether such purser is a shareholder in the company or not, as the nominal plaintiff for the company, and to recover the amount of such call, together with interest for the same and costs of suit; and in any action to be brought by the company to recover the amount of such call it shall be sufficient in the declaration or other proceeding in the said action to state that the defendant or (in case of such action being brought against the legal personal representative of a deceased shareholder) that the deceased shareholder was at the time of such call being made the holder of one share or more in the company (stating the

number of shares), and that the defendant, or (in case of the death of a shareholder as aforesaid) that the defendant or defendants, as executor or administrator or executors or administrators of such deceased shareholder, is or are indebted to the company in the sum of money to which the calls in arrear and interest shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), and that the plaintiff is the pursuer of the company and sues in the action as nominal plaintiff for the company, and on the trial or hearing of such action it shall be sufficient to prove, as a *prima facie* case on the part of the plaintiff, that the defendant or such deceased shareholder, at the time of making such call, was a holder of such one share or more as may be in the company, and that such call was duly made, and that the plaintiff at the commencement of the action was acting as the pursuer of the company; and it shall not be necessary to prove the appointment or authority of the persons who made such call, or the appointment of such pursuer; provided, that in case of a change of pursuer pending the proceedings, the name of the pursuer for the time being may, by leave of the Court in which the proceedings are pending, or of a judge or proper officer thereof, be substituted for that of a person ceasing to be pursuer by death, resignation, or otherwise; but no county court in the stannaries shall have any jurisdiction under this present clause in any case in which the sum sought to be recovered shall exceed fifty pounds, unless it shall be by law otherwise expressly provided.

Transfer of shares.

14. *Calls due at transfer.*] A company shall not be bound to recognize a transfer of a share until all calls made in respect of such share, with interest and expenses, have been paid.

15. *Transfer of fractional parts of shares.*] A company shall not be bound to recognize the transfer of a fractional part of a share.

Forfeiture of shares.

16. *Notice on failure to pay call.*] If a shareholder fails to pay a call on the day appointed for payment thereof, the company may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, with or without interest, and any expenses that may have accrued by reason of such non-payment, and stating to the effect that in the event of non-payment in accordance with the notice the share in respect of which such call was made will be liable to be forfeited.

17. *Forfeiture on failure to pay.*] If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the company to that effect passed at a meeting with special notice.

18. *Sale of forfeited shares.*] Any share so forfeited shall be carried to an account to be called "The Account of Forfeited Shares," and shall be deemed to be the property of the company, and may be disposed of in such manner as the company thinks fit; and any shareholder may purchase any such share if sold.

19. *Evidence of forfeiture, &c.*] A statutory declaration in writing by the pursuer of a company that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the company to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration, and the receipt of the pursuer for the price of such share if sold, shall constitute a good title to such share, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder of such share, discharged as against the company from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

20. *Payment notwithstanding forfeiture.*] Any shareholder whose share has been forfeited shall nevertheless be liable to pay all calls, interest, and expenses payable on or in respect of the same at the time of forfeiture.

Relinquishment of shares.

21. *Disposal of relinquished shares.*] Where a share in a company is relinquished, it shall be carried to an account to be called "The Account of Relinquished Shares," and shall be deemed to be the property of the company, and may be disposed of as the company thinks fit, and any shareholder may purchase any such share if sold.

22. *Relinquishment to be in writing.*] Every relinquishment of a share shall be by notice in writing delivered to the pursuer, but a company shall not be bound to recognise the relinquishment of a fractional part of a share.

23. *Evidence of relinquishment, &c.*] A statutory declaration in writing by the pursuer of a company that a share has been relinquished shall be sufficient evidence of the facts therein stated as against all persons interested in the share, and that declaration, and the receipt of the pursuer to a purchaser of the share for the price thereof if sold, shall constitute a good title thereto, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder thereof, discharged as against the company from all unpaid calls, interest, and expenses due to the company in respect thereof accrued before his purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Sale of mine.

24. *Power of sale of mine, &c., as going concern.*] Without prejudice to the landlords, lessors, or others having any estate, charge on, or interest in the land in which the mine is situate, or to the creditors, and their customary lien on the saleable machinery and materials belonging to the company, a company shall have power, by a special resolution to which three-fourths in value of the shareholders shall consent, either in writing or at a meeting, to sell and dispose of the machinery and materials belonging to the company with or without the legal or equitable interest of the company in the leases or sett on which any mine belonging to the company is worked, as a going concern, provided that every such sale shall be by public auction, and that due notice of the intended sale be given by public advertisement in some local newspaper, and in some public journal or newspaper specially relating to mining companies, for two successive weeks before the sale.

Winding-up.

25. *Limitation of liability of past shareholders.*] On a company being wound up in the court of the vice-warden or any other court, a former shareholder, notwithstanding the provisions contained in the Companies Act, 1862, pt. 8, s. 200, shall not be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of two years or upwards before the mine has ceased to be worked or before the date of the winding-up order.

Wages of miners.

26. *Wages of miners, &c.*] On a company formed for or engaged in working a mine (including a company registered under any of the Joint-Stock Companies Acts) being wound up in the court of the vice-warden or any other court or otherwise, the date of the winding-up order having been not earlier than two months after the passing of this Act, then and in every such case the amount (if any) due at the date of the winding-up order to miners, artisans, and labourers employed, wholly or in part, in or about the mine, in respect of their wages or other earnings in relation to the mine, not exceeding three months' wages or earnings to each such person, shall be paid in priority to all other debts of the company.

Procedure of the court.

27. *Affidavits used in the court.*] Whereas since the passing of the Act 18 Vict. c. 32, for amending and extending the jurisdiction of the court of the vice-warden, and of the Companies Act, 1862, the experience of the court has suggested the expediency of some amendment of the provisions of those Acts, so far as they relate to the stannaries and the jurisdiction of the court: Be it enacted, that all affidavits, affirmations, and declarations shall be available in suits, causes, and matters in the court, although not sworn, made, and taken by or before a commissioner of the court, provided the same shall have been sworn, made, or taken by or before any commissioner authorised to administer oaths in the superior courts of equity or of common

law in England or Ireland, or in the Isle of Man or the Channel Islands, or by the officers exercising like powers to administer oaths in Scotland, or by any of the courts, judges, or other persons having like authority in the dominions of the Crown beyond seas, or in foreign parts, specified or described in the Act 15 & 16 Vict. c. 86, s. 22, and the Act 16 & 17 Vict. c. 78; and the vice-warden or registrar shall, on the production before him of such affidavits, affirmations, or declarations, purporting to be duly and regularly sworn, made, or taken by any of the courts or persons hereinbefore referred to, presume the same to have been so sworn, made, or taken, unless the contrary be proved to his satisfaction; and in case of wilful and corrupt false swearing, affirming, or declaring in such document so produced, or of the production or use by any party of such document, knowing the same to be a forged or spurious one, the offender shall be liable to all the penalties, punishments, and consequences specified in sections 23 and 24 of the Act 15 & 16 Vict. c. 86; provided also, that all lawful fees due and demandable upon swearing, making, or taking such affidavits, affirmations, or declarations, by or before any of the courts or persons above referred to, shall be paid or tendered to such court or person by the party applying for such document.

28. *No demand necessary before enforcing order to pay, produce, or deliver.* Whenever a decree or order of the court for payment of money, or production or filing or delivery up of any books, papers, deeds, or accounts, or the delivery up of property, real or personal, shall have been made in a suit or matter whereof the said court has cognizance, no formal demand shall be necessary, but the person or party who shall have been so decreed or ordered to pay such money, or produce or file or deliver up such documents or property, on being duly served with such decree or order, shall be bound to obey the same, and process shall thereupon issue to enforce performance, without further special application to the court.

29. *Enforcing process through the registrar of a county court.* In enforcing execution of any judgment, decree, or order of the court by writ sent to the registrar of any county court under sections 9 and 10 of the Act 18 Vict. c. 32, the person or party entitled to recover any moneys awarded to him by such judgment, decree, or order may issue such process to the county court, although the sum sought to be recovered may exceed the sum of £50, provided the sum do not exceed £250, including the costs of applying to the court for leave to issue such execution, where such leave shall be necessary by the rules of the court; and such process shall hereafter be available to any party entitled to levy such money, not exceeding the said sum of £250, by a like writ of execution sent to the registrar of any county court within the stannaries, as well as beyond the stannaries, subject to the payment of all lawful fees for execution in such county court, and subject in other respects to the provisions of sections 9 and 10 of the Act last above mentioned, except that the judge of a county court within the stannaries may, if he thinks fit, remit any claim of interpleader arising on the execution of such writ for determination by the court.

30. *Execution of process of attachment within the stannaries.* If any person residing or being within the stannaries shall be in contempt for disobedience of any order of the court other than for the payment of money leviable by the ordinary civil process of the court, and be thereupon attached by the bailiffs of the court, or by a messenger or messengers of the court specially named or appointed by the court for execution of the writ of attachment issued by the court, such bailiffs or messengers shall forthwith take into their custody the person so attached, and bring him with all convenient speed to Truro, there to be examined by or before the vice-warden, if he shall then be sitting at Truro, or before the registrar there, touching the matter of his alleged contempt; and upon such examination the vice-warden or registrar shall, if the offender shall have sufficiently cleared himself of the contempt, discharge him out of custody, or if he shall not have so cleared himself, shall commit him to the common gaol at Bodmin, or, in case of contempt within the stannaries of Devon, to the borough gaol at Plymouth, there to remain until he shall have submitted to the order of the court, or shall be otherwise discharged in due course of law; and such writ of attachment, and any commitment thereon, shall issue in the name of

the lord warden of the stannaries, with the seal of the court attached.

31. *Service of process, &c., beyond the stannaries.* Whereas the service of process on the common law side of the court in any part of England, without the special order of the vice-warden, has been found inconvenient, and in some cases liable to abuse: be it enacted, that no such service of process out of the limits of the stannaries, in suits or plaints on the common law side of the court, shall hereafter be effected without the special order of the vice-warden, made on a statement of the nature and object of such suit or plaint; except in the case of actions of ejectment brought under the authority of section 15 of the Act 18 Vict. c. 32.

32. *On appeals to the lord warden, a deposit to be made.* In all cases of appeals against any judgment, decree, or order of the Court, besides the bond to the registrar required by the Act 18 Vict. c. 32, s. 26, a deposit of £20 shall be made in the hands of the registrar, to be paid to the opposite party when the judgment, decree, or order is not reversed, unless the court shall otherwise direct; and if the appeal against any decree or order be prosecuted in the name or on the behalf of any registered company with limited liability, or in the name or on behalf of any person who has recently become bankrupt, or has executed any unsatisfied deed of arrangement, composition, or insolvency under any Bankruptcy Act, the registrar of the court may require that a sufficient surety be joined as co-obligor in the bond which the appellant is bound to give in such case, who shall be personally liable to pay the taxed costs of the appeal to the extent of £50, if the judgment, decree, or order be not reversed; and the appellant shall also deposit in the hands of the registrar the sum of £20, payable as herein-above directed in the case of ordinary appeals.

33. *Duties of registrar in liquidation of a company.* Where an order is made for the winding-up of a company in the court, whether the same be a registered or an unregistered company, and no official liquidator is appointed, the registrar shall have authority, with the sanction of the vice-warden, to perform all the ordinary duties of an official liquidator, and to exercise all the powers assigned by the Companies Act, 1862, to such liquidator, so far as such duties or powers are not incompatible with his official duties as registrar.

Provided always, that the registrar shall not in such case be called upon to give any such security as may be required of an official liquidator under section 92 of the last-mentioned Act, unless the lord warden of the stannaries or the vice-warden by some general rule of the court shall otherwise order, nor shall he be entitled to any remuneration for the performance of the said duties, other than the salary now received by or that may hereafter be assigned to him in his official character of registrar; nor shall it be necessary for him to use the name or style of official liquidator, nor any other style than that of registrar, unless it shall become necessary for him to take out letters of administration to any deceased contributory; and in proving a debt due from any contributory who shall have become a bankrupt within the intent and meaning of section 87 of the Companies Act, 1862, a certificate of the debt signed by the registrar, with the seal of the court attached, shall be accepted in the Court of Bankruptcy as sufficient proof of such debt as against the estate of the bankrupt, without requiring the oath or affidavit of the registrar.

Provided also, that the registrar in the performance of such duties and exercise of such powers shall not be liable to any penalty prescribed by the said Companies Act, 1862, and imposed on official liquidators as such, or become personally liable in respect of any act done or proceeding taken by him by the order or authority or with the sanction of the vice-warden acting in his judicial character.

34. *Attachment of debt due to a contributory on winding-up.* In cases where several companies are in course of liquidation by or under the superintendence of the court, if it shall appear to the vice-warden that a person who is a contributory of one of the said companies is also a creditor claiming a debt against one of the other companies, the vice-warden may, in his discretion, and after due inquiry into the facts, direct that the said debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain, as a security for payment of all or any calls that are or may in course of liquidation become due

from him to the company of which he is a contributory ; and the amount thereof shall be applicable and applied to such payment in due course ; provided that no such order of attachment shall prejudice any claim which the company so indebted to him as creditor may have against him by way of set-off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the said debt in favour of any third person.

35. *Fraudulent transfers of shares.*] A transfer of shares made for the purpose of getting rid of the further liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to pay the reasonable expenses of working a mine, or to a person in the menial or domestic service of the transferor, shall be presumed to be a fraudulent transfer, and need not be recognised by the company, or by the court on the winding-up of the company, whether the company be a registered or unregistered company.

36. *Jurisdiction to restrain sales of setts.*] The jurisdiction of the court to grant injunctions restraining sales of machinery and other effects on mines is hereby extended so as to authorise the granting of injunctions restraining sales of setts where equity so requires, and the jurisdiction conferred by this section may be exercised in creditors' suits, or on the application of a shareholder in a company.

37. *Issuing injunction orders by the registrar in certain cases.*] It shall be competent for the registrar, on the application of either a creditor or a shareholder, to issue injunction orders in customary creditors' suits pending in the court, and to forbid the sale of setts, leases, machinery, or other effects on or belonging to the mine on the usual allegation of urgency, or to issue such orders in other cases of like urgency or imminent waste or damage to property ; and in such cases the party or parties so enjoined may appear and show cause before the registrar, and apply to him to suspend or dissolve the order ; but such application to the registrar shall not be exclusive of the existing power of the vice-warden to issue such orders, though he may not then be sitting within the stannaries, nor prevent him from reconsidering the order of the registrar, on the motion or complaint of any of the parties interested in it.

38. *Hearing of petition for winding-up.*] The provision of section 83 of the Companies Act, 1862, contained in second paragraph thereof, shall be amended and read as follows : namely, that the vice-warden may direct that petitions to wind up a company shall be heard by him at such time or place as he may think fit within the stannaries or within or near to the place where the registered or other chief office of the company is situate, or if such office be distant 150 miles or more from Truro (measured by the public railways), then in London or Westminster ; or with the consent of the party or parties petitioning, and of the company, represented by its secretary, purser, or other proper officer, the hearing may be in any part of England ; and all orders made by the vice-warden on such hearing in any of the above cases shall be as valid and effectual as if they had been made at Truro.

39. *Adjournment of sittings and appointment of deputy vice-warden.*] Sections 7 and 8 of the Act 2 & 3 Vict. c. 58, and the section 24 of the Act 18 & 19 Vict. c. 32, are hereby repealed ; and in lieu thereof be it enacted, that if in consequence of illness, or accident, or other disability, the vice-warden shall not attend at Truro on the day and time appointed for his sittings there, the registrar shall have power to open the court, and adjourn the sittings to some other day, on which adjournment day all persons summoned or bound to attend the sittings shall be in attendance, as if the vice-warden himself had adjourned them ; and if, by reason of such illness, accident, or other disability, or for any other cause deemed by the lord warden to be a reasonable cause, the vice-warden shall desire to appoint a deputy for a time certain, not exceeding six months, he may, with the approval of the lord warden, appoint such deputy, being a barrister of five years' standing and not less, with all the powers and judicial functions of the vice-warden himself ; and if the vice-warden shall, by reason of such illness, accident, or disability, be unable or shall neglect to make such appointment, it shall be competent for the lord warden of the stanneries to nominate such temporary deputy, with the qualification, powers, and functions aforesaid, with such

directions touching the remuneration of such deputy as he may think fit.

40. *Provision for a temporary registrar on a future vacancy.*] Whereas inconvenience may hereafter be occasioned by the death of the registrar and the delay in appointing a successor, be it enacted, that the vice-warden for the time being shall in such case have power to employ the assistant registrar, if there be one, or any other competent person, being a clerk or officer of the court, to execute, under the direction of the vice-warden, all or any of the necessary duties of registrar, until such time as the successor of the deceased registrar shall have been duly appointed, and such temporary registrar may, if the lord warden shall think fit, be remunerated for such extra duty out of the salary accruing between the decease of the last registrar and the appointment of his successor, who shall be entitled to receive the balance (if any) of the salary so accruing during that interval.

41. *Provision as to half-yearly remissions.*] From and after the passing of this Act the whole of the several provisions contained in section 30 of the Act 6 & 7 Will. 4, c. 106, and in section 36 of the Act 18 & 19 Vict. c. 32, respectively, which in any way relate to, or empower, or require half-yearly remissions of the assessment, in such provisions respectively mentioned or referred to, shall be and the same are hereby repealed, and thereupon the moneys accruing by reason of such remission shall be applicable and be applied to such of the several purposes specified in the 172nd section of the Companies Act, 1862, touching the application of the fees arising under proceedings taken for winding up mining companies, as the lord warden of the stannaries shall from time to time, on the application of the vice-warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall accumulate by investment, as to the whole or part of the accruing moneys in the manner directed in and by the provisions of that section.

42. *Vacations in the court.*] Whereas by the Act 6 & 7 Vict. c. 106, s. 17, the court is, for the purpose of the entry of pleadings, orders, proclamations, and other matters touching practice, process, or execution, to be at all times open, except on Sunday, Christmas-day, Good Friday, and days of public fast or thanksgiving, and no other days or times are specified wherein the court or its offices may be lawfully closed, nor is any period of vacation for the court or its officers and clerks provided : be it enacted, that the court and offices may hereafter be closed on Christmas-day and the six following days, on Good Friday and the six following days, and that the space of six consecutive weeks, beginning on the first day of September in every year, shall be deemed to be the vacation of the said court, during which the attendance of the officers of the court will be dispensed with ; so nevertheless that during the continuance of those days and times, and the above vacation, provision shall be made for the receipt and payment or payments of money by or to the proper officer of the court, whereof due notice shall be from time to time given : provided also, that during such times and vacation applications may be made for injunction orders, either to the vice-warden or to the registrar, in any part of England, whether within or beyond the stannaries.

43. *Power to make general rules and orders.*] The powers contained in the Act 18 Vict. c. 32, ss. 23 and 26, for making general rules and orders of the court touching the procedure, practice, pleading, court fees, taxation of costs, and forms on the equity and common law side of the said court, and other business of the said court, and also touching the regulation of the practice, fees, and costs of appeals pending before the lord warden of the stannaries, whether heard by and before himself, or remitted by him for the determination of the Judicial Committee of the Privy Council, or to the Court of Appeal in Chancery, shall be deemed and taken to extend and apply to this Act, and to the several provisions contained herein. Rules and orders made in pursuance of the powers contained in the said Act or in this Act with respect to fees shall be made only with the sanction of the Commissioners of her Majesty's Treasury.

44. *Officer not entitled to compensation in case of alteration of duties or abolition of office.*] A person shall not be entitled to any compensation in respect of any emoluments received by him for duties performed in pursuance of the provisions of this Act, or in respect of the emoluments of any office in or connected with the court, or with the

lord warden of the stannaries or vice-warden, to which such person is appointed after the passing of this Act, in case any alteration is made in such duties or in the duties of such office, or in case such duties or such office are abolished.

Savings.

45. *Saving for existing creditors.*] Nothing in this Act shall take away or abridge any right or remedy of any creditor of a company existing at the passing of this Act.

46. *Saving for customs of stannaries, &c.*] Nothing in this Act contained shall exclude the right of any shareholder of a company, miner, creditor, or other customary suitor of the court to resort to all or any of the remedies heretofore used and enjoyed, and still subsisting by custom or statute in the said court as now constituted by law, unless such right is expressly abrogated by this Act.

CAP. XX.

An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford. [24th June, 1869.]

CAP. XXI.

An Act to amend the law relating to the payment of the expenses of commissioners of inquiry into corrupt practices at elections of members to serve in Parliament. [24th June, 1869.]

15 & 16 Vict. c. 57.] Whereas by the Act of the session of the 15th & 16th years of the reign of her present Majesty, chapter 57, entitled "An Act to provide for more effectual inquiry into the existence of corrupt practices at the elections of members to serve in Parliament," power is given to her Majesty, in the events therein mentioned, by warrant under Royal sign manual, to appoint commissioners, in this Act called commissioners of inquiry, for the purpose of making inquiry into the existence of corrupt practices in any election or elections of a member or members to serve in Parliament:

And whereas by the said Act it is provided that the Commissioners of her Majesty's Treasury are to make order for the payment of the necessary expenses of any inquiry under that Act:

And whereas by the Parliamentary Elections Act, 1868, it is provided that the expenses of such inquiry as aforesaid shall be defrayed as if they were expenses incurred in the registration of voters for the county or borough in respect of which Commissioners of Inquiry have been appointed:

And whereas it is expedient to make further provision with respect to the payment of the said expenses:

Be it enacted, &c.

Preliminary.

1. *Short title* (The Corrupt Practices Commission Expenses Act, 1869).

2. *Power of Treasury to advance money for payment of expenses of commission.*

Payment of expenses in England.

3. *Repayment of advances made by the Treasury.*] The following enactments shall be made with respect to the repayment to the Commissioners of the Treasury of any advance made by them for payment of the expenses of any inquiry made by commissioners of inquiry in England:

1. The Commissioners of the Treasury shall forward their requisition to the local officer of the county, city, or borough in respect of which commissioners of inquiry have been appointed, and shall require such officer to repay to them within one year the sum mentioned in such requisition, and it shall be the duty of the local officer to comply with the requisition made by the Commissioners of the Treasury.
2. The local officer shall mean in the case of a city or borough the town clerk, and in the case of a county the treasurer of the county.
3. In the case of a county the treasurer shall pay the amount required to the Commissioners of the Treasury out of the public stock of the county in the same manner in all respects as if the requisition of the Commissioners of the Treasury were an order of the justices of the peace for the payment to the clerk of the peace of the county of expenses incurred by him under the Registration Act, 1843, and the justices for such county shall levy the same by an addition to

the county rate, to be assessed on the several parishes and townships within the county or division of the county, as the case may be, in respect of which such commissioners of inquiry have been appointed.

4. In the case of a city or borough the requisition of the Commissioners of the Treasury shall be laid before the local authority of such city or borough, and the local authority shall make and give to the local officer a certificate of the sum to be paid by, and as the contribution of each of the parishes or townships situate within the city or borough, towards defraying the amount required, and thereupon the overseers of every such parish or township shall, out of the first moneys to be collected for the relief of the poor, pay to the local officer the sum directed by such certificate to be paid as the contribution of the said parish or township, and the said local officer shall by means of such contributions defray the amount required to be paid to the Commissioners of the Treasury.

"The local authority of a city or borough" shall mean the common council or town council of the said city or borough, or if there be no such council, then the justices of the peace at the quarter sessions to be holden in or for the county in which such city or borough is situate.

5. If default is made by the local officer of any county, city, or borough in complying with a requisition made in pursuance of this Act by the Commissioners of the Treasury, then the said Commissioners shall determine the amount to be paid by and as the contribution of each of the parishes or townships situate within the city or borough toward the amount required, and thereupon the justices in general or quarter sessions assembled having jurisdiction over each of the parishes or townships respectively within such county, city, or borough shall, on the application of the Commissioners of the Treasury, raise the sum specified in such requisition, together with a further sum of ten per cent., in addition, by a rate on each of the parishes or townships respectively within the county, city, or borough, the local officer of which has so made default, and shall pay the amount so raised to the Commissioners of the Treasury, and any rate made by such justices in pursuance of this Act shall be levied in the same manner in all respects as a county rate or contribution to a county rate in any such county, city, or borough, and may be enforced accordingly.

6. The Registration Act, 1843, shall mean the Act of 6 Vict. c. 18, intitled "An Act to amend the law for the registration of persons entitled to vote, and to define certain rights of voting, and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales."

7. All expressions in this Act shall have the same meaning as in the Registration Act, 1843, and the definitions of the said Act shall, so far as they are applicable, be deemed to be re-enacted in this Act.

Payment of expenses in Scotland.

4. *Expenses of commission in Scotch counties.*] In Scotland, where commissioners have been appointed in respect of a county, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the commissioners of supply of the county, and the amount therein stated shall be paid by them within the specified time being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such county.

5. *Expenses of commission in Scotch burghs.*] In Scotland, where commissioners have been appointed in respect of a burgh, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the magistrates of the burgh, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such burgh.

Payment of expenses in Ireland.

6. *Payment of expenses in Ireland.*] In Ireland the requisition of the commissioners of her Majesty's Treasury for payment of the advances in the case of any county, county

of a city, county of a town, or of any borough situate in any county at large, shall be forwarded to the treasurer of such county, county of a city, or county of a town, and in the case of the city of Dublin to the city treasurer: provided always, that when such commission of inquiry shall have issued in respect of any borough situate in two or more counties the said Commissioners of the Treasury shall forward to the treasurer of every county in which any part of such borough is situate a certificate of the sum to be paid by and as the contribution of such county towards defraying the expenses of such commission, and the sum to be paid by every such county shall be calculated as nearly as may be according to the same relative proportion as the number of persons in each county placed on the register for such borough bears to the total number of persons upon the same register, and every such requisition shall have the force and effect of a presentment duly made by the grand jury of such county, county of a city, or county of a town, and in the case of the city of Dublin by the town council of the borough of Dublin, and the treasurer shall forthwith issue his warrant for the levying and collecting the amount mentioned in such requisition, and such amount shall be raised and levied within six months after the date of such requisition in like manner to all intents and purposes as if the same had been presented under the provisions of section 70 of the Act of the session of the 13th and 14th years of the reign of her present Majesty, chapter 69, and shall be paid by the said treasurer as aforesaid to the said Commissioners of the Treasury.

7. *Duration of Act.*] This Act shall be in force until the expiration of two years from the passing thereof and to the end of the then next session of Parliament.

CAP. XXII.

An Act for raising the sum of two million three hundred thousand pounds by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy.
[24th June, 1869.]

CAP. XXIII.

An Act to extend the power of recorders to appoint deputies in certain cases.
[12th July, 1869.]

Whereas by an Act passed in the 6th and 7th years of the reign of her present Majesty, intituled "An Act to amend the Act for the regulation of Municipal Corporations in England and Wales," the recorders of boroughs having separate courts of quarter sessions are authorized and empowered, in case of sickness or unavoidable absence, to appoint deputies for the time being, and it is expedient to extend to recorders in the exercise of their civil jurisdiction as judges of the local courts of record in such boroughs, or any of them, a similar power in like cases:

Be it therefore enacted, &c.

1. *Power to recorders exercising jurisdiction as justices of local courts of record to appoint deputies in certain cases to act in such courts.*] That the recorder of every borough in which, by charter, custom, or otherwise, there is or ought to be holden a court or courts of record for the trial of civil actions, of which court or courts the recorder is the judge, shall be and he is hereby empowered, in case of sickness or unavoidable absence, to appoint under his hand and seal a barrister of not less than five years' standing as his deputy, to act for him and in his stead as judge of the court or courts of record then next to be held, or then being held and not longer or otherwise; and the recorder upon every occasion of the appointment of a deputy shall forthwith send to the Secretary of State for the Home Department a statement of the reason why such appointment has become necessary: provided nevertheless, that such court or courts shall not be deemed to have been illegally held, nor the acts of such deputy invalidated, by reason of the cause of absence of the recorder not being deemed to be unavoidable within the meaning of this Act.

2. *Extent of Act.*] This Act shall not apply to Scotland or Ireland.

CAP. XXIV.

An Act to repeal certain enactments relating to newspapers, pamphlets, and other publications, and to printers, typesetters, and reading rooms.

[12th July, 1869.]

Be it enacted, &c.

1. *Acts and parts of Acts in first schedule repealed, except as in second schedule.*] The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act; and this Act shall not effect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed.

2. *Short title.*] This Act may be cited as the Newspapers, Printers, and Reading Rooms Repeal Act, 1869.

FIRST SCHEDULE.

36 Geo. 3, c. 8.

39 Geo. 3, c. 79.—Sections 15 to 33, both inclusive, and so much of sections 34 to 39 as relates to the above-mentioned sections.

51 Geo. 3, c. 65.—So far as respects certain penalties on printers and publishers.

55 Geo. 3, c. 101.—Section thirteen.

60 Geo. 3 & 1 Geo. 4, c. 9.

11 Geo. 4 & 1 Will. 4, c. 73.

6 & 7 Will. 4, c. 76.—Except sections 1 to 4 (both inclusive), sections 34 and 35, and the schedule.

2 & 3 Vict. c. 12.

5 & 6 Vict. c. 82.—The following words in section 20: "and also license to any person to keep any printing presses and types for printing in Ireland."

9 & 10 Vict. c. 33.—So far as it relates to any proceedings under the enactments repealed by this schedule.

16 & 17 Vict. c. 59.—So much of section 20 as makes perpetual the provisions of 5 & 6 Vict. c. 82, repealed by this Act.

SECOND SCHEDULE.

The enactments in this schedule, with the exception of section 19 of 6 & 7 Will. 4, c. 76, do not apply to Ireland.

39 Geo. 3, c. 79.

Section 28.—Not to extend to papers printed by authority of Parliament.

Section 29.—Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer. Penalty of £20 for neglect or refusing to produce the copy within six months.

Section 31.—Not to extend to impressions of engravings or the printing names and addresses.

Section 34.—Prosecutions to be commenced within three months after penalty is incurred.

Part of section 35.—Recovery of penalties.

Section 36.—Application of penalties.

51 Geo. 3, c. 65.

Section 3.—Name and residence of printers not required to be put to bank notes, bills, &c., or to any paper printed by authority of any public board or public office.

6 & 7 Will. 4, c. 76.

Section 19.—Discovery of proprietors, printers, or publishers of newspapers may be enforced by bill, &c.

2 & 3 Vict. c. 12.

Section 2.—Penalty upon printers for not printing their name and residence on every paper or book, and on persons publishing the same.

Section 3.—As to books or papers printed at the university presses.

Section 4.—No actions for penalties to be commenced except in the name of the Attorney or Solicitor General in England or the Queen's Advocate in Scotland.

9 & 10 Vict. c. 33.

Section 1.—Proceedings shall not be commenced unless in the name of the law officers of the Crown.

CAP. XXV.

An Act to amend the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter eighty-three, section nine, by extending the age at which orphan and deserted children may be kept out at nurse.

[12th July, 1869.]

CAP. XXVI.

An Act to extend to burial grounds the provisions of the Act of the thirteenth and fourteenth years of her Majesty, chapter twenty-eight, intituled "An Act to render more simple and effectual the titles by which congregations and societies for purposes of religious worship or education in England and Ireland hold property for such purposes."

[12th July, 1869.

CAP. XXVII.

An Act to amend the law for licensing beerhouses, and to make certain alterations with respect to the sale by retail of beer, cider, and wine.

[12th July, 1869.

Whereas by the Acts relating to the general sale of beer and cider by retail in England; (that is to say.)

1. 11 G. 3 & 1 W. 4. c. 64.] An Act of the session of the last year of the reign of King George the Fourth, and the first year of the reign of King William the Fourth, chapter 64, intituled "An Act to permit the general sale of beer and cider by retail in England;"
2. 4 & 5 W. 4. c. 85.] An Act of the session of the 4th and 5th years of the reign of King William the Fourth, chapter 85, intituled "An Act to amend an Act passed in the 1st year of his present Majesty, to permit the general sale of beer and cider by retail in England;"
3. 3 & 4 Vict. c. 61.] An Act of the session of the 3rd and 4th years of the reign of her present Majesty, chapter 61, intituled "An Act to amend the Acts relating to the general sale of beer and cider by retail in England;"
4. 24 & 25 Vict. c. 21.] An Act of the session of the 24th and 25th years of the reign of her present Majesty, chapter 21, entitled "An Act for granting to her Majesty certain duties of excise and stamps;"

provision is made for the grant of licences by the excise for the sale by retail of beer and cider upon the terms and conditions therein specified:

26 & 27 Vict. c. 33.] And whereas by an Act of the session of the 26th and 27th years of the reign of her present Majesty, chapter 33, intituled "An Act for granting to her Majesty certain duties of inland revenue, and to amend the laws relating to the inland revenue," it is enacted, that any person who after the passing of that Act has taken out an excise licence to sell strong beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles, at one time, to be drunk or consumed elsewhere than on his premises, may take out an additional licence on payment of the excise duties therein mentioned, and that the same shall authorise such person to sell beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold, and that such additional licence shall be granted without the production of any certificate or the possession of any other qualification than the licence therein first mentioned:

23 & 24 Vict. c. 27.] And whereas provision is made for the grant of licences by the excise for refreshment houses and for the sale of wine by retail, and for other purposes, by an Act of the session of the 23rd year of the reign of her present Majesty, chapter 27, intituled "An Act for granting to her Majesty certain duties on wine licences and refreshment houses, and for regulating the licensing of refreshment houses, and the granting of wine licences:"

And whereas it is expedient to make better provision with regard to the granting of the licences herein-before mentioned, and for regulating the houses and shops in which beer, cider, and wine are sold by retail:

Be it enacted, &c.

1. *Application of Act.*] This Act shall not apply to Scotland or Ireland.

2. *Definition of "beer" and "cider."*] For the purposes of this Act the term "beer" shall include ale and porter, and the term "cider" shall include perry.

3. *Short title.*] This Act may be cited as the Wine and Beerhouse, Act 1869.

4. *Retail licences not to be granted without certificate granted*

under this Act.] From and after the 15th of July, 1869 no licence or renewal of a licence for the sale by retail of beer, cider, or wine, or any of such articles, under the provisions of any of the said recited Acts shall (save as is in this Act otherwise provided) be granted except upon the production and in pursuance of the authority of a certificate granted under this Act.

Any licence granted or renewed in contravention of this enactment shall be void.

5. *Certificates by whom to be granted.*] Certificates under this Act shall be granted by the justices assembled at the general annual licensing meeting held in pursuance of an Act of the session of the 9th year of the reign of King George the Fourth, chapter 61, intituled "An Act to regulate the granting of licences to keepers of inns, alehouses, and victualling houses in England," or at some adjournment of such meeting held in pursuance of the said last-mentioned Act: provided that certificates for licences under the said Acts of the 23rd year of the reign of her present Majesty, of the 24th and 25th years of the reign of her present Majesty, and of the 26th and 27th years of her present Majesty, may be granted by justices at the special sessions for transferring licences.

6. *Form of certificate.*] A certificate under this Act shall specify the name and address of the person thereby authorized to receive a licence, the description of licence or licences authorized to be granted to him, and whether such licence or licences is or are to be granted for the sale of beer, cider, or wine to be consumed on or off the premises, and the situation of the house or shop in respect of which such grant is authorized. It shall be in force for one year from the date of its being granted, and shall be in the form given in the first schedule hereto, or as near thereto as circumstances admit.

7. *Notice of application.*] Every person intending to apply to the justices for a certificate under this Act shall, twenty-one days at least before he applies, give notice in writing of his intention to one of the overseers of the parish, township, or place in which the house or shop in respect of which his application is to be made is situate, and to some constable or peace officer acting within such parish, township, or place, and shall in such notice set forth his name and address, and a description of the licence or licences for which he intends to apply, and of the situation of the house or shop in respect of which the application is to be made; and in the case of a house or shop not theretofore licensed for the sale by retail of beer, cider, or wine, such person shall also within the space of twenty-eight days before such application is made cause a like notice to be affixed and maintained between the hours of ten in the morning and five in the afternoon of two consecutive Sundays on the door of such house or shop, and on the principal door or on one of the doors of the church or chapel of the parish or place in which such house or shop is situate, or, if there be no such church or chapel, on some other public and conspicuous place within such parish or place.

Where application is made to the justices for the grant of a certificate under this Act by way of renewal only, notice in pursuance of this section shall not be requisite.

8. *Provisions of 9 Geo. 4. c. 61, to apply to grants of certificates under this Act.*] All the provisions of the said Act of the 9th year of the reign of King George the Fourth as to the terms upon which, and the manner in which, and the persons by whom, grants of licences are to be made by the justices at the said general annual licensing meeting, and as to appeal from any act of any justice, shall, so far as may be, have effect with regard to grants of certificates under this Act, subject to this qualification, that no application for a certificate under this Act in respect of a licence to sell by retail beer, cider, or wine not to be consumed on the premises shall be refused, except upon one or more of the following grounds; viz.,

- (1.) That the applicant has failed to produce satisfactory evidence of good character:
- (2.) That the house or shop in respect of which a licence is sought, or any adjacent house or shop owned or occupied by the person applying for a licence, is of a disorderly character, or frequented by thieves, prostitutes, or persons of bad character:
- (3.) That the applicant having previously held a licence for the sale of wine, spirits, beer, or cider, the same has been forfeited for his misconduct, or that he has

through misconduct been at any time previously adjudged disqualified from receiving any such licence, or from selling any of the said articles :

- (4.) That the applicant, or the house in respect of which he applies, is not duly qualified as by law is required :

Where an application for any such last-mentioned certificate is refused on the ground that the house in respect of which he applies is not duly qualified as by law is required, the justices shall specify in writing to the applicant the grounds of their decision.

9. *As to transfer of certificates.* A certificate may be transferred to a new tenant or occupant of any house or premises in respect of which a licence under any of the said recited Acts shall have been granted before the commencement of this Act, or in respect of which a certificate shall have been granted under this Act, by the justices (or the majority of them) in petty sessions for any borough, county, division, or place within which such house or premises shall be situated, which transferred certificate shall be in force until the then next general annual licensing meeting or special sessions for transferring licences, as the case may be: and it shall be lawful for a new tenant or occupant of any such house or premises as aforesaid, without a certificate, to sell beer, cider, and wine until the then next petty sessions holden in and for the borough, county, division, or place in which such house or premises shall be situated.

10. *As to renewal of licences in force in Middlesex and Surrey.* A licence in force at the time of the passing of this Act for premises situated in the county of Middlesex or of Surrey may be renewed without a certificate at any time prior to the first general annual licensing meeting held for such counties respectively after the passing of this Act.

11. *Penalty on forgery of certificate.* If any person forge, or tender knowing the same to have been forged, any certificate authorized to be granted by this Act, he shall, on summary conviction before two or more justices, be liable to a penalty not exceeding twenty pounds, or, in the discretion of the justices before whom he is tried, to imprisonment for any period not exceeding six months, with or without hard labour. Any licence granted in pursuance of such forged certificate shall be void, and any person making use of such forged certificate, knowing the same to have been forged, shall be disqualified from obtaining at any time thereafter a licence for the sale of beer, cider, or wine by retail under any of the said recited Acts.

12. *Constables may enter on houses licensed to sell beer, &c. not to be consumed on the premises.* Constables and officers of police may at all times enter into and examine—

1. Any house or shop in respect of which any person is licensed under any of the said recited Acts to sell by retail beer, cider or wine, not to be consumed on the premises;
2. Any house or shop in which any person is authorized by virtue of an additional licence under the said recited Act of the 26th and 27th years of the reign of her present Majesty to sell beer by retail.
3. Any house or shop licensed for the sale of table beer under the Act of the session of the 24th and 25th years of the reign of her present Majesty, chapter 21.

In the same manner as if such house or shop were licensed for the sale by retail of beer, cider, or wine to be consumed on the premises; and if any such licensed person, or any servant or other person in his employ, or by his direction, refuse to admit or do not admit any constable or officer demanding admittance to such house or shop, such licensed person shall be liable to the same penalties recoverable or to be enforced in the same manner in all respects as if he were licensed in respect of such house or shop to sell by retail beer, cider, or wine to be consumed on the premises, and had refused admittance to such constable or officer.

13. *Proof of money passing not necessary to prove sale.* In any legal proceeding under any of the said recited Acts it shall not be necessary in order to prove the sale of beer, cider, or wine in or upon any house or premises to prove the receipt or payment of any money in respect of such sale, but proof that any beer, cider, or wine was drunk or consumed in or upon such house or premises by any person other than the keeper of such house or premises, or some

servant or inmate residing therein, shall be *prima facie* evidence of the sale of such beer, cider, or wine in or upon such house or premises.

14. *In cases of illegal sale on neighbouring premises evidence need not be given of ownership of such premises.* In any proceeding in relation to any forfeiture or penalty alleged to be incurred by any person licensed to sell by retail beer, cider, or wine, not to be consumed on the premises, for having, with intent to evade the provisions of any Act of Parliament, taken or authorized or suffered any person to take any beer, cider, or wine out of or from the house or premises of such licensed person for the purpose of being for his benefit or profit drunk or consumed in any other house, or in any tent, shed, or other building, premises or place, it shall not be necessary to prove that such last-mentioned house, tent, shed, building, premises, or place belonged to such licensed person, or was hired, used, or occupied by him, if proof be given to the satisfaction of the justices having cognizance of the case that such beer, cider, or wine was drunk or consumed therein or thereupon with intent to evade the provisions of any such Act; and on such proof being given, such beer, cider, or wine shall be deemed to have been drunk or consumed on the premises of the said licensed person, and he shall be subject to the like penalties and forfeitures as if such beer, cider, or wine had been drunk or consumed in any house or on any premises licensed only for the sale thereof not to be consumed on the premises.

15. *Penalty for selling beer or cider to be drunk at illegal times.* If any person suffer beer or cider to be drunk in his house at any time during which the house by law ought to be closed, he shall be liable, on summary conviction, to a penalty not exceeding forty shillings for each offence.

16. *Persons present in houses open at illegal hours to be liable to penalties.* Where any person licensed under any of the said recited Acts to sell beer, cider, or wine by retail, or any person licensed under the said Act of the 9th year of the reign of King George the Fourth, is convicted of keeping his house open for the sale of or of selling beer, cider, wine, spirits, or any other excisable liquor, or of suffering the same to be drunk in such house, at any time during which such house ought by law to be closed, any person (other than the servants or inmates of such house) present in such house at such time shall, unless he account for his presence to the satisfaction of the justices having cognizance of the case, be liable on summary conviction, to a penalty not exceeding forty shillings for each offence.

17. *In order to constitute a second or third offence previous offence need not have been committed within a limited period.* In the following cases, that is to say,

1. Where any person is convicted of an offence against the tenor or conditions of a licence granted to him under any of the said recited Acts, or of an offence for which a penalty is imposed by any of the said recited Acts;
2. Where any person is convicted of an offence against the tenor of a licence granted to him under the said Act of the ninth year of the reign of King George the Fourth;

if any previous conviction or convictions since the passing of this Act for any of the said offences be proved against him, the offence of which he is last convicted shall be deemed to be a second or third offence, as the case may be: provided that the said previous conviction or convictions did take place within the five years next preceding.

18. *As to management of houses licensed for sale of table beer.* All houses or shops licensed for the sale of table beer under the Act 24th and 25th years of Victoria, chapter 21, and all premises on which any person is authorized by virtue of an additional licence granted under the said recited Act of the 26th and 27th years of the reign of her present Majesty to sell beer by retail, and all persons holding such licences, shall be subject and liable to all and every the regulations, restrictions, inspections, and penalties as to times of opening and closing of houses, and conduct of persons conducting or carrying on the trade, to which beerhouses, and persons licensed to keep the same, are subject and liable under the several statutes relating thereto.

19. *Existing licences to be renewed, except in certain cases.* Where, on the first of May, 1869, a licence under any of the said recited Acts is in force with respect to any house or shop for the sale by retail therein of beer, cider, or wine to be con-

sumed on the premises, it shall not be lawful for the justices to refuse an application for a certificate for the sale of beer, cider, or wine to be consumed on the premises in respect of such house or shop, except upon one or more of the grounds upon which an application for a certificate under this Act in respect of a licence for the sale of beer, cider, or wine, not to be consumed on the premises, may be refused, in accordance with this Act: provided that where a person licensed in respect of such house or shop to sell therein by retail beer, cider, or wine to be consumed on the premises is convicted, after the passing of this Act, of more than one offence against the tenor of his licence, or of more than one offence for which any penalty is imposed by any of the said recited Acts, the justices by whom such person is convicted, may, if they think fit, order that the house or shop shall, for the purposes of this section, be thenceforth deemed to be a house or shop in respect of which no licence for the sale by retail of beer, cider, or wine was in force at the time of the passing of this Act: provided always, that every holder of such licence shall, when required by any two justices, be bound to produce his licence under a penalty not exceeding £10, to be levied in default of payment, on the order of such justices, by distraint upon his goods and chattels; and provided also, that no conviction under the powers and provisions of this Act shall be deemed to affect any licence in force as aforesaid, unless the justices by whom such conviction was adjudged shall have directed their clerk to record and the clerk shall have recorded on the licence the fact of that conviction.

20. *Nothing to affect privileges and rights herein named.* Nothing in this Act contained shall be deemed to affect—

1. The privileges heretofore enjoyed by any university in England, or the chancellor, masters, and scholars of the same, or their successors:
2. The privileges heretofore enjoyed by the masters, wardens, freemen, and commonalty of the vintners of the city of London, except as to those freemen of the said vintners who have obtained their freedom by redemption only:
3. The privileges heretofore enjoyed by the mayor or burgesses of the city of St. Albans in the county of Hertford, or their successors:
4. The right of any person who is duly authorised by justices of the peace to keep a common inn, ale-house, or victualling house to take out any excise licence:
5. The grant of any occasional licence, or the power of any person duly authorised by the excise to sell beer, spirits, or wine at any fair or public races.

21. *As to repeal of Acts set forth in second schedule.* The several parts of the Acts set forth in the second schedule hereto shall be repealed to the extent therein specified so far as relates to any licence under any of the said recited Acts granted after the passing of this Act within any place to which this Act applies:

Provided that such repeal shall not affect—

- (1.) Any liability incurred or thing duly done before the commencement of this Act:
- (2.) Any penalty, forfeiture, or other punishment incurred in respect of any offence committed before the commencement of this Act:
- (3.) Any legal proceeding or legal remedy for enforcing or recovering any such liability, thing, penalty, forfeiture, or punishment as aforesaid.

22. *Act to be in force for two years.* This Act shall be in force for two years from the date of the passing thereof, and until the end of the then next session of Parliament.

FIRST SCHEDULE.

Form of certificate.

We, the justices assembled [or being the majority of the justices assembled] at the general annual licensing meeting [or an adjournment of the general annual licensing meeting, or at a special petty session] of her Majesty's justices of the peace acting for the division [or liberty, &c., as the case may be,] of —, in the county of —, holden on the — day of —, 18—, and — do hereby authorize the grant to A.B. of —, in the county of —, of a licence or licences, if more than one be authorized, to sell by retail [beer, cider, or wine to be consumed on or off the premises] at a house [or shop] situate [describe situation and the particular Act or Acts under which the licence is to be taken out].

Witness our hands, this — day of —.

SECOND SCHEDULE.

Acts repealed.	Title of Act.	Extent of Repeal.
11 Geo. 4 & 1 Will. 4, c. 64.	An Act to permit the general sale of beer and cider by retail in England.	So much of section 2 as requires the grant of an excise licence under the provisions of the Act to be made within ten days after application has been made for the same.
4 & 5 Will. 4, c. 85.	An Act to amend an Act passed in the first year of his present Majesty to permit the general sale of beer and cider by retail in England.	Sections 2, 3, 8, and 9.
3 & 4 Vict. c. 61.	An Act to amend the Acts relating to the general sale of beer and cider in England.	Sections 2, 3; so much of section 4 as enacts that in any extra-parochial place or places where no rates are made or collected for the relief of the poor a person applying for a licence shall produce to and deposit and leave with the proper officer of excise granting such licence a certificate in writing, signed by two inhabitant householders of the township or place, certifying that the party applying is the real resident in and occupier of the dwelling-house sought to be licensed, and also certifying the true and real annual value of the same with the premises occupied therewith, according to the best of their judgment and belief; sections 5 and 6.
23 Vict. c. 27.	An Act for granting to her Majesty certain duties on wine licences and refreshment houses, and for regulating the licensing of refreshment houses and the granting of wine licences.	Sections 13, 14, and 15.
24 & 25 Vict. c. 21.	An Act for granting to her Majesty certain duties of excise and stamps.	So much of section 3 as renders it unnecessary that the person applying for a licence shall produce any certificate.

CAP. XXVIII.

An Act to afford facilities for the establishment and maintenance of public parks in Ireland.

[12th July, 1869.]

CAP. XXIX.

An Act to render valid certain title deeds for Inam Lands.

[12th July, 1869.]

CAP. XXX.

An Act to legalize certain marriages celebrated at

Park-gate Chapel, and to change the name of the district chapelry annexed to the Chapel of Cowgill.
[12th July, 1869.]

CAP. XXXI.

An Act to confirm an order made by the Board of Trade under the Sea Fisheries Act, 1868, relating to Langston, and to amend the forty-fifth section of the Sea Fisheries Act, 1868.
[12th July 1869.]

CAP. XXXII.

An Act to provide for the commutation of pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services.
[26th July, 1869.]

CAP. XXXIII.

An Act to provide for the collection of judicial statistics in Scotland.
[26th July, 1869.]

CAP. XXXIV.

An Act to amend the law concerning the appointment of deputies by stipendiary magistrates.
[26th July, 1869.]

21 and 22 Vict. c. 73 s. 13.] Whereas by the 13th section of an Act passed in the 21st and 22nd years of the reign of her present Majesty, chapter 73, power is given to stipendiary magistrates, with the approval of the Secretary of State for the Home Department, to appoint a deputy for a time not exceeding six weeks in any consecutive period of twelve calendar months:

And whereas it is expedient that such power should be extended:

Be it enacted &c.

1. *Section 13 of recited Act repealed*] The said 13th section of the said Act is hereby repealed.

2. *Power to stipendiary magistrates to appoint a deputy.*] It shall be lawful for any stipendiary magistrate, or police magistrate, with the approval of the Secretary of State for the Home Department, to appoint a deputy, who shall have practised as a barrister-at-law for at least seven years, to act for him for any time or times not exceeding six weeks in any consecutive period of twelve calendar months, and in case of sickness or unavoidable absence, it shall be lawful for such stipendiary magistrate or police magistrate, with the approval of the Secretary of State for the Home Department, on each occasion of this power being exercised, to appoint a deputy, qualified as aforesaid, for any period not exceeding three calendar months at one time, and every such deputy during the time for which he shall be so appointed shall have all the powers and perform all the duties of the stipendiary magistrate for whom he shall have been so appointed.

CAP. XXXV.

An Act to amend "The Prisons (Scotland) Administration Act, 1860."
[26th July, 1869.]

CAP. XXXVI.

An Act to amend the Court of Session Act, 1868, in so far as the exemption of lighthouse-keepers and their assistants from serving on juries is thereby abolished.
[26th July, 1869.]

CAP. XXXVII.

An Act to authorize the appointment of district prothonotaries of the Court of Common Pleas of the County Palatine of Lancaster, and to provide for the better despatch of business therein.
[26th July, 1869.]

1. *Power to the chancellor to appoint district prothonotaries and assign districts.*

2. *Power to the Chancellor to appoint clerks to act within districts.*

3. *Every district prothonotary to have an office within his district.*

4. *Duties of district prothonotaries and clerks.*

5. *Additional duties and powers to be discharged and exercised by district prothonotaries.*

6. *Power to the Chancellor to make and publish general rules.*

7. *Matters referred to in preceding section may be heard and determined by superior courts at Westminster.*

8. *Rules to be published in London Gazette.*

9. *Rules to be laid before Parliament.*

10. *Table of fees to be hung up in offices of prothonotaries.*

11. *Duties and power of prothonotary.*

12. *No prothonotary or district prothonotary to practise or take fees.*

13. *Power to appoint deputy prothonotary.*

14. *Seal to be provided.*

15. *How writs, judgments, rules, and orders to be enforced.*

16. *Prothonotaries and district prothonotaries to make out account of fees, and have the same audited.*

17. *Fees to be paid to the "Prothonotary's Fee Fund Account."*

18. *Payments to be made out of the "Prothonotary's Fee Fund Account."*

19. *No compensation in case of alteration of duties, &c.*

20. *Costs of Act.*

21. *Short title.*

22. *Act to commence 24th October, 1869.*

CAP. XXXVIII.

An Act to facilitate the taking special bails in civil proceedings depending in the superior courts of law at Westminster, and in proceedings in error and on appeal.
[26th July, 1869.]

Whereas it is expedient to increase the number of persons authorized to take special bails in actions and civil proceedings depending or to be depending in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, and in proceedings in error or on appeal arising out of any such actions or proceedings:

Be it enacted &c.

1. *Persons authorized to take affidavits in common law courts may also take bails.*] All persons empowered to take affidavits under any commission now issued or hereafter to be issued under the authority of the Act passed in the 29th year of the reign of King Charles the Second, intituled "An Act for taking affidavits in the country, to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer," whether they are or are not attorneys or solicitors, shall and may exercise all the powers which by the Act passed in the 4th year of the reign of King William the Third and Queen Mary, intituled "An Act for taking special bails in the country upon actions and suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Westminster," and by the Act passed in the session of Parliament holden in the 1st and 2nd years of our said lady the Queen, intituled "An Act to extend the jurisdiction of the judges of the superior courts of common law, to amend chapter 56 of the first year of her present Majesty's reign, for regulating the admission of attorneys, and to provide for the taking of special bail in the absence of the judges," are given to persons by the commissions issued under those Acts or either of them; and such of the enactments of the said Acts of the reigns of William and Mary and of her present Majesty as are now unrepealed shall apply to commissions issued under the said Act of the reign of Charles the Second, and the persons empowered by those commissions, whether they are or are not attorneys or solicitors, in like manner and to the like extent as if the commissions issued under the said Act of Charles the Second were commissions issued under the said other Acts respectively. And the persons to whom commissions are issued under the said Act of the reign of Charles the Second, under the seal of the Court of Exchequer, may also take recognizances of every kind and all bail, as well in error as otherwise, on the revenue side of the Court of Exchequer, and the said Act of the reign of William and Mary, so far as the same is not repealed, shall apply and extend to the last-mentioned recognizances and bail when so taken.

2. *Interpretation of "bail."*] The word "bail" in the said Acts of the reigns of William and Mary, and her present Majesty, as applied to this Act, shall include bail in error, and bail on any appeal arising out of any action or civil proceeding in any of the said courts.

3. *Fees.*] The commissioners empowered by this Act may demand and receive for any services the same fees as are payable to commissioners under the said Act of William and Mary for similar services, or such fees as the Treasury, with the approbation of any three judges of the superior courts of law at Westminster, may hereafter authorize to be taken.

4. *Rules and practice.*] The rules and practice of the said courts now in force or hereafter to be made relating to bail shall, so far as they are applicable, apply to all proceedings under this Act.

5. *Attorneys not to exercise powers of this Act where interested.*] No attorney or solicitor shall exercise any of the powers given by this Act in any proceeding in which he is the attorney or solicitor of any of the parties to that proceeding or in which he is interested.

6. *Short title.*] This Act may be cited as "The Bails Act 1869."

CAP. XXXIX.

An Act to make provision for the better government and administration of hospitals and other endowed institutions in Scotland. [26th July, 1869.]

CAP. XL.

An Act to exempt from rating Sunday and ragged schools. [26th July, 1869.]

Whereas for many years and until lately buildings used as Sunday and ragged schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability:

1. *From 30th September, 1869, Sunday and ragged schools may be exempted from rates for relief of poor, &c.*] From and after the 30th day of September, 1869, every authority having power to impose or levy any rate upon the occupier of any building or part of a building used exclusively as a Sunday school or ragged school may exempt such building or part of a building from any rate for any purpose whatever which such authority has power to impose or levy: provided that nothing in this Act contained shall prejudice or affect the right of exemption from rating of Sunday or infant schools, or for the charitable education of the poor in any churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, by virtue of an Act passed in the 3rd and 4th years of the reign of King William the Fourth, chapter 30, intitled "An Act to exempt from poor and church rates all churches, chapels, and other places of religious worship."

2. *Interpretation of terms.*] A "Sunday school" shall mean any school used for giving religious education gratuitously to children and young persons on Sunday, and on week days for the holding of classes and meetings in furtherance of the same object, and without pecuniary profit being derived therefrom.

A "ragged school" shall mean any school used for the gratuitous education of children and young persons of the poorest classes, and for the holding of classes and meetings in furtherance of the same object, and without any pecuniary benefit being derived therefrom except to the teacher or teachers employed.

3. *Extent of Act.*] This Act shall not extend to Ireland.

4. *Short title.*] This Act may be cited as the Sunday and Ragged Schools (Exemption from Rating) Act, 1869.

CAP. XLI.

An Act for amending the law with respect to the rating of occupiers for short terms, and the making and collecting of the poor's rate. [26th July, 1869.]

Whereas it is expedient to amend the law relating to the collection of poor rates assessed upon occupiers of hereditaments held for short terms, and to the making and collecting of the poor rate:

Be it enacted, &c.

1. *Occupiers of tenements let for short terms may deduct the poor rate paid by them from their rents.*] The occupier of any rateable hereditament let to him for a term not exceeding three months shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

2. *Amount of rate payable by occupier.*] No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year.

3. *Owners may agree to pay the rate, and be allowed a commission.*] In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situated in the metropolis, or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere, and the owner of such hereditament is willing to enter into an agreement in writing with the overseers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof.

4. *Vestries may order the owner to be rated instead of the occupier.*] The vestry of any parish may from time to time order that the owners of all rateable hereditaments to which section 3 of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments instead of the occupiers, on all rates made after the date of such order; and thereupon and so long as such order shall be in force the following enactments shall have effect:

1. The overseers shall rate the owners instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate:

2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated:

3. The vestry may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect:

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling house shall not be included.

5. *Owners omitting to pay rates before the 5th day of June to forfeit commission.*] When an owner who has become liable to pay the poor rate omits or neglects to pay, before the 5th day of June, in any year, any rate or any instalment thereof which has become due previously to the preceding 5th day of January, and had been duly demanded by a demand-note delivered to him or left at his usual or last known place of abode, he shall not be entitled to deduct or receive any commission, abatement, or allowance to which he would, except for such omission or neglect, be entitled under this Act, but shall be liable to pay, and shall pay, such rate or instalment in full.

6. *Repeal of 13 and 14 Vict. c. 99, &c., so far as applies to the poor rate.*] The statute 13 and 14 Vict. c. 99, with respect to the rating of small tenements, and so much of any local statute as relates to the rating of owners instead of occupiers, are hereby repealed, so far as the same apply to any poor rate made after this Act comes into operation.

7. *Constructive payment of the rate.*] Every payment of a rate by the occupier, notwithstanding the amount thereof,

may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate.

8. *Where owners omit to pay rates, the occupiers paying the same may deduct amount from the rent.*] Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

9. *Owners to give lists of occupiers, and liable to penalty for wilful omission.*] Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

10. *Notice to occupiers of rates in arrear.*] Section 28 of the Representation of the People Act, 1867, with respect to notice to be given of rates in arrear, shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

11. *Liability of owner under agreement.*] Where the owner has become liable to the payment of the poor rates, the rates due from him, together with the costs and charges of levying and recovering the same, may be levied on the goods of the owner, and be recovered from him in the same way as poor rates may be recovered from the occupier.

12. *Recovery of rates unpaid by the owner.*] Notwithstanding the owner of any such rateable hereditament as aforesaid has become liable for payment of the poor rates assessed thereon, the goods and chattels of the occupier shall be liable to be distrained and sold for payment of such rates as may accrue during his occupation of the premises, at any time whilst such rates remain unpaid by the owner, subject to the following provisions:

1. That no such distress shall be levied unless the rate has been demanded in writing by the overseers from the occupier, and the occupier has failed to pay the same within fourteen days after the service of such demand;
2. That no greater sum shall be raised by such distress than shall at the time of making the same be actually due from the occupier for rent of the premises on which the distress is made;
3. That any such occupier shall be entitled to deduct the amount of rates for which such distress is made, and the expense of distraint, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid.

13. *Owner may appeal against valuation list and rate.*] Every owner of any hereditament for the rates of which he has become liable shall have the same right of appeal (subject to the same conditions and consequences) against the valuation lists and the poor rates as if he were the occupier thereof.

14. *The overseer to state the period for which poor rate is made. Provision.*] The overseers of every parish when they make a poor rate shall set forth in the title of the rate the period for which the same is estimated, and if the same is payable by instalments the amount of each instalment and the date at which each instalment is payable: provided that if the necessities of the parish shall require it another rate may be made before such period shall have elapsed.

15. *Overseers may make poor rate payable by instalments.*]

The overseers who make the poor rate for a period exceeding three months may declare that the same shall be paid by instalments at such times as they shall specify, and thereupon each instalment only shall be enforceable as and when it falls due, and the payment of any such instalment shall, as respects any qualification or franchise depending upon the payment of the poor rate, be deemed a payment of such rate in respect of the period to which such instalment applies.

16. *Provision for successive occupiers, and for occupiers coming into unoccupied hereditaments.*] If the occupier assessed in the rate when made shall cease to occupy before the rate shall have been wholly discharged, or if the hereditament being unoccupied at the time of the making of the rate become occupied during the period for which the rate is made, the overseers shall enter in the rate book the name of the person who succeeds or comes into the occupation, as the case may be, and the date when such occupation commences, so far as the same shall be known to them, and such occupier shall thenceforth be deemed to have been actually rated from the date so entered by the overseer, and shall be liable to pay so much of the rate as shall be proportionate to the time between the commencement of his occupation and the expiration of the period for which the rate was made in like manner, and with the like remedy of appeal, as if he had been rated when the rate was made; and an outgoing occupier shall remain liable in like manner for so much and no more of the rate as is proportionate to the time of his occupation within the period for which the rate was made; and the 12th section of the statute 17 Geo. 2, c. 38, shall be repealed.

17. *When the poor rate shall be deemed to be made.*] A poor rate shall be deemed to be made on the day when it is allowed by the justices, and if the justices sever in their allowance then on the day of the last allowance.

18. *Evidence of making and publication of rates.*] The production of the book purporting to contain a poor rate with the allowance of the rate by the justices, shall, if the rate is made in the form prescribed by law, be *prima facie* evidence of the due making and publication of such rate.

19. *Overseers to insert names of all occupiers in the rate. Penalty for omission. Saving of franchises.*] The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier enter in the occupiers' column of the rate book the name or the occupier of every rateable hereditament and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds: provided, that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted.

20. *Interpretation of terms.*] The word "overseer" shall include every authority that makes an assessment for the poor rate; the words "poor rate" shall mean the assessment for the relief of the poor, and for the other purposes chargeable thereon according to law, and in the metropolis shall extend to every rate made by the overseers and chargeable upon the same property as the poor rate; the word "owner" shall mean any person receiving or claiming the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent; the word "parish" shall signify every place for which a separate overseer can be appointed; the word "vestry" shall include not only the vestry of a parish existing under the authority of some general or special Act of Parliament, or by special custom or otherwise, but also the meeting of the inhabitants of any township, vill, or place having a separate overseer, and for which a separate poor rate is made, held after notice given in like manner as is required by law in regard to the meetings of vestries; and the word "metropolis" shall include only the metropolis as defined by the Metropolis Management Act, 1855.

21. *Application of Act.*] This Act shall not extend to Scotland or to Ireland.

22. *Short title. Commencement of Act.*] This Act may be cited as "The Poor Rate Assessment and Collection Act, 1869," and shall come into operation on the 29th of September, 1869: provided that the vestry of any parish may before that day order that the owners shall be rated instead of the occupiers under this Act, but no such order shall take effect until after the said 29th day of September, 1869.

CAP. XLII.

An Act to put an end to the establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth. [26th July, 1869.

1. *Short title.*
2. *Dissolution of legislative union between Churches of England and Ireland.*
3. *Appointment of commissioners.*
4. *Quorum of commissioners.*
5. *Appointment of officers.*
6. *Salaries and expenses.*
7. *Powers of commissioners.*
8. *Forms of application, and general rules.*
9. *Duration of office, and restriction on sitting in Parliament.*
10. *Prohibition of future appointments.*
11. *Property of Ecclesiastical Commissioners vested in commissioners under this Act.*
12. *Church property vested in commissioners under this Act.*
13. *Dissolution of ecclesiastical corporations, and cessation of right of bishops to sit in House of Lords.*
14. *Compensation to ecclesiastical persons other than curates.*
15. *Compensation to curates.*
16. *Compensation to diocesan and district school-masters, clerks, sextons, &c.*
17. *Compensation to persons not included in preceding section.*
18. *Compensation to lay patrons.*
19. *Repeal of laws prohibiting holding of synods, &c.*
20. *Existing law to subsist by contract.*
21. *Abolition of ecclesiastical courts and ecclesiastical law.*
22. *Incorporation of Church body.*
23. *Redemption of annuities and life interest of ecclesiastical persons.*
24. *Building charge to be paid on commutation of annuity.*
25. *Enactments with respect to churches.*
26. *Enactments with respect to burial grounds.*
27. *Enactments with respect to ecclesiastical residences.*
28. *Power to convey additional land to church body.*
29. *Enactments with respect to private endowments.*
30. *Movable chattels belonging to see or church.*
31. *Limitation of right to purchase fee simple in consideration of perpetual rent.*
32. *Sale of tithe rentcharge to owners of land.*
33. *Commissioners may purchase surrender or assignment of lease.*
34. *Power to commissioners to sell property vested in them by this Act.*
35. *Orders of commissioners operating as conveyance, &c., to be liable to stamp duty.*
36. *Payment of money into bank.*
37. *Accounts of capital and revenues.*
38. *Compensation to non-conforming ministers.*
39. *Commutation of annuities of non-conformist ministers, &c.*
40. *Repeal of Maynooth Acts. Compensation on the cessation of certain annual sums.*

41. *Remission of debt to trustees of Maynooth.*
42. *Persons aggrieved may appeal.*
43. *Possession to be given up of 24, Upper Merriam-street.*
44. *Compensation to Ecclesiastical Commissioners and their officers.*
45. *Compensation to vicars general and other officers by annuities equal to their average income for the three years ending 1st January, 1869.*
46. *As to benefices of Kileullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin.*
47. *Delivery up of books by registrars.*
48. *Commissioners not to expend moneys in building.*
49. *Commissioners not to expend moneys in repairs.*
50. *Payment of building charge.*
51. *Regulations as to payment of commutation and annuity.*
52. *Power of commissioners to accept mortgages as security for a portion of purchase-money.*
53. *Power to pay by instalments.*
54. *Sales of lands, &c., may be made in Landed Estates Court.*
55. *Saving claim of arrears of rent, &c.*
56. *Provisions for other persons under disability.*
57. *Provision as to incapacitated owners.*
58. *Power to officers of commissioners to enter upon land.*
59. *Commissioners to raise money for the purposes of the Act.*
60. *Power to Treasury to advance money to commissioners.*
61. *Power for Treasury to guarantee advance to commissioners.*
62. *Form of security and guarantee.*
63. *Guarantee to be based on Consolidated Fund.*
64. *Repayment to Consolidated Fund.*
65. *Rules as to arbitration.*
66. *Regulation as to vacancies.*
67. *As to exclusion of house, &c., in cases of commutation.*
68. *Ultimate trust of surplus.*
69. *Provision as to Acts relating to United Church of England and Ireland.*
70. *Saving rights as to proprietary chapels and chapels of ease.*
71. *Saving of Act of 39 and 40 Geo. 3, c. 67, &c.*
72. *Interpretation of terms: Lord Lieutenant, lease, ecclesiastical person, church, benefice, glebe house, cathedral prebend, cathedral corporation, curate, property, jurisdiction.*

CAP. XLIII.

An Act to provide for the payment of diplomatic salaries, allowances, and pensions.

[2nd August, 1869.

CAP. XLIV.

An Act to make better provision respecting Greenwich Hospital, and the application of the revenues thereof.

[2nd August, 1869.

CAP. XLV.

An Act to amend the law relating to the repayment of loans to poor law unions.

[2nd August, 1869.

1. *Short title.*
2. *Application of Act.*
3. *Interpretation of terms.*
4. *Moneys borrowed by guardians to be a charge on common fund.*
5. *Manner in which moneys borrowed by guardians may be repaid.*
6. *Repeal of 14 & 15 Vict. c. 105, s. 7, and provision for future securities.*

CAP. XLVI.

An Act to abolish the distinction as to priority of pay-

ment which now exists between the specialty and simple contract debts of deceased persons.

[2nd August, 1869.]

Whereas it is expedient to abolish the distinction as to priority of payment between specialty and simple contract debts of deceased persons :

Be it enacted, &c.

1. *All specialty and simple contract debts of deceased persons to stand in equal degree after 1st January, 1869.* In the administration of the estate of every person who shall die on or after the 1st day of January, 1870, no debt or liability of such person shall be entitled to any priority or preference by reason merely that the same is secured by or arises under a bond, deed, or other instrument under seal, or is otherwise made or constituted a specialty debt; but all the creditors of such person, as well specialty as simple contract, shall be treated as standing in equal degree, and be paid accordingly out of the assets of such deceased person, whether such assets are legal or equitable, any statute or other law to the contrary notwithstanding: provided always, that this Act shall not prejudice or affect any lien, charge, or other security which any creditor may hold or be entitled to for the payment of his debt.

2. *Extent of Act.* This Act shall not extend to Scotland.

CAP. XLVII.

An Act to provide for the discharge of the duties heretofore performed by high constables, and for the abolition of such office, with certain exceptions.

[2nd August, 1869.]

1. *Interpretation of terms.*
2. *When vacancies not to be filled up.*
3. *How notices are to be sent.*
4. *Provisions of 7 & 8 Vict. c. 33, to come into general operation.*
5. *Chief constable to act in case of claims against hundred.*
6. *Pensions may be given in certain cases.*
7. *Provision in case of hundreds situate partly in boroughs.*
8. *Short title.*

CAP. XLVIII.

An Act to amend the Companies Clauses Act, 1863.

[2nd August, 1869.]

Whereas the Companies Clauses Act, 1863, has been amended in certain respects as regards railway companies, and it is expedient that such amendments should extend to other companies :

Be it therefore enacted, &c.

1. *Amendment of part 3 of 26 & 27 Vict. c. 118, as to rate of interest on debenture stock.* Part 3 of the Companies Clauses Act, 1863, shall be read and have effect as if the following words, that is to say, "not exceeding the rate prescribed in the special Act, and if no rate is prescribed, then not exceeding the rate of £4 per centum per annum," had not been inserted in section 22 of that Act, and any special Act of a company passed before the passing of this Act, prescribing any rate, shall be read and have effect as if no rate had been prescribed therein.

2. *Restriction on rate of interest on debenture stock already authorized.* Provided that any debenture stock the creation whereof has been authorized by a company, but which has not been issued before the passing of this Act, shall not be issued on any terms other than those whereon it might have been issued if this Act had not been passed, unless and until the issue thereof, on terms other than as aforesaid, is after the passing of this Act authorized by the company in manner provided in section 22 of the Companies Clauses Act, 1863.

3. *Power to issue debenture stock, subject to part 3 of 26 & 27 Vict. c. 118.* Any company having power to raise money on mortgage or bond by virtue of any Act of Parliament, but not having power to create and issue debenture stock, may create and issue debenture stock subject to the provisions of part 3 of the Companies Clauses Act, 1863 (relating to debenture stock), and part 3 of the said Act, as amended by this Act, shall be deemed to be incorporated with the special Act of every such company.

4. *Advances to meet debentures falling due.* Money bor-

rowed by a company for the purpose of paying off and duly applied in paying off bonds or mortgages of the company given or made under the statutory powers of the company shall, so far as the same is so applied, be deemed money borrowed within and not in excess of such statutory powers.

5. *Power to issue shares or stock at discount.* Section 21 of the Companies Clauses Act, 1863, shall, with respect to any company to which it is applicable under the provisions of this or any other Act, be read and have effect as if the following words, that is to say, "but so that not less than the full nominal amount of any share or portion of stock be payable or paid in respect thereof," had not been inserted in that section.

6. *Power to issue residue of original or other capital at discount.* Any shares forming part of the capital (whether original or additional) authorized to be raised by any special Act of a company passed before the present session which have not been disposed of may be disposed of in manner provided by part 2 of the Companies Clauses Act, 1863, as amended by this Act, and that part, as so amended, shall be deemed incorporated with such special Act accordingly.

7. *Restriction on issuing at discount shares or stock already authorized.* Provided, that any shares, the creation whereof has been authorized by a company, but which have not been issued before the passing of this Act, shall not be issued on any terms other than those whereon the same might have been issued if this Act had not been passed unless and until the issue thereof on terms other than as aforesaid is after the passing of this Act authorized by the company in manner provided by part 2 of the Companies Clauses Act, 1863,

8. *Act not to affect provisions as to capital upon which the dividend is limited.* Provided always, that this Act shall not be construed to alter or extend the provisions of any Act relating to share capital in respect of which the amount of profits to be divided is limited to a fixed rate per centum upon the paid-up capital of the company.

9. *Short title.* This Act may be cited as "The Companies Clauses Act, 1869."

CAP. XLIX.

An Act to enable local authorities to collect fines and fees by means of stamps.

[2nd August, 1869.]

1. *Short title.*
2. *Application of Act.*
3. *Interpretation of "local authority."*
4. *Power to collect fees and penalties by stamps.*
5. *Unstamped document not to be valid.*
6. *Authority to sell stamps. Penalty.*
7. *Expenses of Act.*
8. *Penalties for offences herein named.*

CAP. L.

An Act to provide for superannuation allowances to medical officers of poor law unions, and of dispensary districts of such unions, in Ireland.

[2nd August, 1869.]

CAP. LI.

An Act to amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give jurisdiction in certain maritime causes.

[2nd August, 1869.]

Be it enacted, &c.

1. *Short title.* This act may be cited as "The County Courts Admiralty Jurisdiction Amendment Act, 1869," and shall be read and interpreted as one Act with the County Courts Admiralty Jurisdiction Act, 1868.

2. *Extension of jurisdiction over ships and goods.* Any county court appointed or to be appointed to have Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes :

- (1.) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed £300 :

(2.) *If parties agree, causes in respect of claims of higher amount may be determined by county court.*] As to any cause in respect of any such claim or claims as aforesaid, but in which the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or agents, that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

3. *Proceedings in rem or personam.*] The jurisdiction conferred by this Act and by the County Courts Admiralty Jurisdiction Act, 1868, may be exercised either by proceedings in rem or by proceedings in personam.

4. *Amendment of section 3 of 31 and 32 Vict. c. 71.*] The 3rd section of the County Courts Admiralty Jurisdiction Act, 1868, shall extend and apply to all claims for damage to ships, whether by collision or otherwise, when the amount claimed does not exceed £300.

5. *As to appointment of mercantile assessors.*] In any Admiralty or maritime cause the judge may, if he think fit, or on the request of either party, be assisted by two mercantile assessors; and all the provisions of the County Courts Admiralty Jurisdiction Act, 1868, with reference to nautical assessors, shall apply to the appointment, approval, summoning, and remuneration of such mercantile assessors.

6. *Power of assessor of Court of Passage to make general rules and orders.*] The assessor of the Court of Passage of the borough of Liverpool shall have power from time to time to make general rules and orders for regulating the practice and procedure of the Admiralty and maritime jurisdiction in the said court, and for other purposes mentioned in section 35 of the County Courts Admiralty Jurisdiction Act, 1868; and any general rules and orders already made or hereafter to be made by the said assessor for any of the purposes aforesaid shall be of full force and effect as if the same had been made under this or the aforesaid Act.

7. *Commencement of Act.*] This Act shall come into operation on the 1st day of September, 1869.

CAP. LII.

An Act for the amendment of the Shipping Dues Exemption Act, 1867. [2nd August, 1869.

30 and 31 Vict. c. 15.

1 *Certain agreements for compensation may be sent in to Board of Trade within one year from passing of this Act.*

1. *Construction and short title of Act.*

CAP. LIII.

An Act to amend the Cinque Ports Act.

[2nd August, 1869.

CAP. LIV.

An Act to amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland." [2nd August, 1869.

1 and 2 Vict. c. 56.

1. *No action to be brought under section 93 of 1 & 2 Vict. c. 56, without consent of chairman of quarter sessions, except by Poor Law Commissioners.*

2. *Persons sued before the passing of this Act may apply to court or a judge to stay proceedings on certain conditions.*

3. *Power to judge to remit part of penalty.*

4. *Not to extend to actions in which judgment has passed.*

CAP. LV.

An Act to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes.

[2nd August, 1869.

Whereas it is expedient to shorten the term of occupation and residence required as a qualification for the municipal franchise, and to make provision for other purposes:

Be it therefore enacted, &c.

1. *Sect. 9 of 5 & 6 W. 4, c. 76, repealed. One year's occupation to entitle persons to municipal franchise. 6 & 7 Vict. c. 18.*] The 9th section of the Act of the session of the 5th and 6th years of King William the 4th, chapter 76, shall be repealed, and instead thereof be it enacted, that every person of full age who on the last day of July in any year shall have occupied any house, warehouse, counting-house, shop, or other building within any borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have resided within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions contained in the said Act of the session of the 5th and 6th years of King William the 4th, chapter 76, and the Acts amending the same, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: provided that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the 20th day of July in such year all such rates, including therein all borough rates, if any, directed to be paid under the provisions of the said Acts, as shall have become payable by him in respect of the said premises up to the preceding 5th day of January: provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes: provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who, within twelve calendar months next before the said last day of July, shall have received parochial relief or other alms: provided also, that the respective distances mentioned in this Act shall be measured in the manner directed by section 76 of the Act of the session of the 6th and 7th years of Queen Victoria, chapter 18.

2. *Saving rights under existing burgess roll.*] Nothing in this Act contained shall affect any existing burgess roll, but every such roll shall continue in force until the 1st day of November, 1869.

3. *Councillor or alderman may reside within fifteen miles of borough.*] Any such occupier as aforesaid, who shall be rated in respect of premises as in this Act mentioned, shall be entitled to be elected a councillor or an alderman of any borough, if resident within fifteen miles of said borough, although by reason of his residence beyond seven miles of the borough he is not entitled to be on the burgess roll of such borough, provided that he is otherwise qualified to be on the burgess roll, and to be elected a councillor or an alderman for such borough, and the following enactments shall take effect with respect to such occupiers:

1. The overseers shall make out and publish a separate list containing the name of every such occupier at the same time and in the same manner as the burgess list, and all the provisions of the said Act of the 5th and 6th William the 4th, chapter 76, and the Acts amending the same with respect to objections and claims, shall, as nearly as circumstances admit, apply to such separate list.

2. The separate list so made out shall be revised in the like manner as the burgess list, and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll.

4. *Qualification for aldermen and councillors.*] When any borough, consisting of less than four wards, shall at any time hereafter be divided into a greater number of wards, the qualification for an alderman or councillor of such borough shall not be increased or altered in consequence of such division, but shall continue the same as if such borough consisted of less than four wards.

5. *Proprietors of shares in companies not to be deemed contractors, &c., and not to be disqualified from election to municipal offices by reason of such holding.*] From and after the passing of this Act no person shall be deemed to have had or to have an interest in a contract or employment with, by, or on behalf of the council of any borough by reason only of his having had or having a share or interest in any railway company or in any company incorporated by Act of

Parliament or by Royal Charter, or under the Companies Act, 1862, and no councillor, alderman, or mayor in any municipal corporation shall be deemed to have been or to be disqualified to be elected or to be such councillor, alderman, or mayor by reason only of his having had or having any share or interest in any railway company or in any company incorporated by Act of Parliament or Royal Charter, or under the Companies Act, 1862, but all elections of councillors, aldermen, or mayors as aforesaid shall be deemed and taken to have been and to be valid, notwithstanding any such share or interest as aforesaid.

6. *Who may nominate for office of auditor and assessor.*

At any election of auditors, revising assessors, or ward assessors, any person entitled to vote may nominate for the office of auditor or assessor, in like manner as such person can nominate for the office of councillor under and by virtue of the provisions in that behalf contained in the 22nd Victoria, chapter 35, and the proceedings in relation to such nomination and election shall be in all respects the same as are prescribed in the said Act in relation to the election of councillors.

7. *Time for receipt of nominations.* Every nomination for the office of councillor, assessor, or auditor must be sent to the town clerk so that the same shall be received in his office before five o'clock in the afternoon of the last day on which any such nomination may by law be made.

8. *Elections to supply extraordinary vacancies.* If an extraordinary vacancy shall happen in the office of assessor, and at the same time a vacancy shall exist or arise in the office of councillor which cannot be legally filled up before the vacant office of assessor has been or can be by law filled up, the election to supply such vacant office of councillor shall be held before the alderman of the ward, or the mayor where the borough is not divided into wards, the continuing assessor, and such burgess (not being a burgess representing or enrolled on the burgess list for that ward, if the borough is divided into wards), as the mayor shall by writing under his hand appoint.

9. *Words importing the masculine gender to include females.* In this Act and the said recited Act of the 5th and 6th years of King William the 4th, chapter 76, and the Acts amending the same, wherever words occur which import the masculine gender the same shall be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, auditors, and assessors.

10. *Act to be construed with 5 & 6 W. 4, c. 76, &c.* This Act shall be construed as one with the said Act of the 5th and 6th years of King William the 4th, chapter 76, and the Acts amending the same, except so far as the same are altered or repealed by this Act, and the words used in this Act shall have the same meaning as in the said Acts.

11. *Extent of Act.* This Act shall not apply to Scotland or Ireland.

CAP. LVI.

An Act to amend the law relating to endowed schools and other educational endowments in England, and otherwise to provide for the advancement of education. [2nd August, 1869.

1. *Short title.*

2. *Application of Act.*

3. *Commencement of Act.*

4. *Definition of "endowment."*

5. *Definition of "educational endowment."*

6. *Definition of "endowed school."*

7. *Interpretation of terms.*

8. *Nothing in this Act, except as expressly provided, to apply to certain schools herein named.*

9. *Schemes for application of educational endowments.*

10. *Schemes as to governing bodies.*

11. *Educational interests of persons entitled to privileges.*

12. *Schemes to extend benefit to girls.*

13. *Saving of interest of founder, master, governing body, &c.*

14. *Not to authorise schemes for interfering with modern endowments, cathedral schools, &c.*

15. *As to religious education in day schools.*

16. *As to religious education in boarding schools.*

17. *Governing body not to be disqualified on ground of religious opinions.*

18. *Masters not to be required to be in holy orders.*

19. *Schools excepted from provisions as to religion.*

20. *Transfer of jurisdiction of visitors.*

21. *Abolition of jurisdiction of ordinary as to licensing masters.*

22. *Tenure of office of teachers.*

23. *General provisions.*

24. *Apportionment of mixed endowments.*

25. *New endowment mixed with old buildings, &c.*

26. *Apportionment of old and new endowments.*

27. *Claims of cathedral schools against Ecclesiastical Commissioners.*

28. *As to alteration of schemes.*

29. *Apprenticeship fees, &c.*

30. *Application to education of non-educational charities.*

31. *Appointment of commissioners for purposes of this Act.*

32. *Preparation of draft scheme.*

33. *As to printing and publication of draft schemes.*

34. *Objections and suggestions respecting scheme and alternative scheme.*

35. *Power to make inquiry into schemes.*

36. *As to framing of schemes.*

37. *Approval of Committee of Council on Education in schemes.*

38. *Consent of colleges or hall.*

39. *Appeal to Queen in Council.*

40. *Proceedings where scheme is remitted.*

41. *Schemes, &c., to be laid before Parliament.*

42. *Exception as to schemes for endowments under £100.*

43. *New scheme on non-approval.*

44. *Amendment of schemes.*

45. *Scheme to take effect.*

46. *Effect of scheme.*

47. *Evidence of scheme.*

48. *Quorum of commissioners.*

49. *Power of commissioners, &c., as to procuring evidence.* 18 & 19 Vict. c. 124, ss. 6—9.

50. *Inquiry by public sittings by commissioners, &c.*

51. *As to report of assistant commissioners.*

52. *Restriction of powers of Charity Commissioners Court, &c.*

53. *School chapels appropriated for religious worship free from parochial jurisdiction.*

54. *Quorum of governing body for acting under this Act.*

55. *Persons acquiring interest after passing of Act to be subject to scheme.*

56. *Service of notices.*

57. *Service by post.*

58. *Expenses of Act.*

59. *Duration of powers of making schemes.*

CAP. LVII.

An Act to amend the Law relating to the Protection of Seamen's Clothing and Property.

[2nd August, 1869.]

1. *Short title.*

2. *Extent of Act.*

3. *Interpretation of terms.*

4. *Penalty on purchaser of seamen's clothing in dockyard towns.*

5. *Penalty on dealer, &c., found in possession of seamen's property and not accounting for it.*

6. *Certain parts of 24 & 25 Vict. c. 96, incorporated with this Act.*

7. *Not to prevent persons being indicted under this Act, &c.*

CAP. LVIII.

An Act for amending the Public Schools Act, 1868.

[9th August, 1869.]

1. *Power in case of all schools within the Public Schools Act, 1868, to constitute a distinct governing body for the school.*

2. *Governing bodies to be bodies corporate.*

3. *Amendment of section 27 of recited Act.*

4. *Short title and construction of Act.*

CAP. LIX.

An Act to amend the laws relating to the investments for savings banks and Post Office savings banks.

[9th August, 1869.]

CAP. LX.

An Act to alter and amend the Acts enabling her Majesty to grant pensions to persons having held certain high civil offices.

[9th August, 1869.]

CAP. LXI.

An Act to protect the funds of trades unions from embezzlement and misappropriation.

[9th August, 1869.]

Be it enacted, &c.

1. *Provisions of 18 & 19 Vict. c. 63, to apply to certain associations.] An association of persons having rules, agreements, or practices among themselves as to the terms on which they or any of them will or will not consent to employ or to be employed shall not, by reason only that any of such rules, agreements, or practices may operate in restraint of trade, or that such association is partly for objects other than the objects mentioned in the Friendly Societies Acts, be deemed, for the purposes of the 24th section of the Friendly Societies Act, 1855, for the punishment of frauds and impositions, to be a society established for a purpose which is illegal, or not to be a friendly society within the meaning of the 44th section of the said Act.*

2. *Duration of Act.] This Act shall not continue in force after the last day of August, 1870.*

3. *Short title.] This Act may be cited as "The Trades Unions Funds Protection Act."*

CAP. LXII.

An Act for the abolition of imprisonment for debt, for the punishment of fraudulent debtors, and for other purposes.

[9th August, 1869.]

Be it enacted, &c.

Preliminary.

1. *Short title.] This Act may be cited for all purposes as "The Debtors Act, 1869."*

2. *Extent of Act.] This Act shall not extend to Scotland or Ireland.*

3. *Commencement and construction of Act.] This Act shall not come into operation until the day on which The Bankruptcy Act, 1869, comes into operation, which day is hereinafter referred to as the commencement of this Act, and words and expressions defined or explained in the Bankruptcy Act, 1869, shall have the same meaning in this Act.*

PART I.

Abolition of imprisonment for debt.

4. *Abolition of imprisonment for debt, with exceptions.] With the exceptions hereinafter mentioned, no person shall after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money.*

There shall be excepted from the operation of the above enactment:

1. *Default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of any contract:*

2. *Default in payment of any sum recoverable summarily before a justice or justices of the peace:*

3. *Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a court of equity any sum in his possession or under his control:*

4. *Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order:*

5. *Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order:*

6. *Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made:*

Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.

5. *Saving of power of committal for small debts.] Subject to the provisions hereinafter mentioned, and to the prescribed rules, any court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of that or any other competent court.*

Provided—(1.) That the jurisdiction by this section given of committing a person to prison shall, in the case of any court other than the superior courts of law and equity, be exercised only subject to the following restrictions; that is to say,

(a.) *Be exercised only by a judge or his deputy, and by an order made in open court and showing on its face the ground on which it is issued:*

(b.) *Be exercised only as respects a judgment of a superior court of law or equity, when such judgment does not exceed fifty pounds, exclusive of costs:*

(c.) *Be exercised only as respects a judgment of a county court by a county court judge or his deputy.*

(2.) That such jurisdiction shall only be exercised where it is proved to the satisfaction of the court that the person making default either has or has had since the date of the order or judgment the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

Proof of the means of the person making default may be given in such manner as the court thinks just; and for the purposes of such proof the debtor and any witnesses may be summoned and examined on oath, according to the prescribed rules.

Any jurisdiction by this section given to the superior courts may be exercised by a judge sitting in chambers, or otherwise, in the prescribed manner.

For the purposes of this section any court may direct any debt due from any person in pursuance of any order or judgment of that or any other competent court to be paid by instalments, and may from time to time rescind or vary such order:

Persons committed under this section by a superior court may be committed to the prison in which they would have been confined if arrested on a writ of *capias ad satisfaciendum*, and every order of committal by any superior court shall, subject to the prescribed rules, be issued, obeyed, and executed in the like manner as such writ.

This section, so far as it relates to any county court, shall be deemed to be substituted for sections 98 and 99 of the County Court Act, 1846, and that Act and the Acts amending the same shall be construed accordingly, and shall extend to orders made by the county court with respect to sums due in pursuance of any order or judgment of any court other than a county court.

No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand or cause of action, or deprive any person of any right to take out execution against the lands, goods, or chattels of the person imprisoned, in the same manner as if such imprisonment had not taken place.

Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied a debt or instalment of a debt in respect of which he was imprisoned, together with the prescribed costs (if any).

6. *Power under certain circumstances to arrest defendant about to quit England.*] After the commencement of this Act a person shall not be arrested upon mesne process in any action.

Where the plaintiff in any action in any of her Majesty's superior courts of law at Westminster in which, if brought before the commencement of this Act, the defendant would have been liable to arrest, proves at any time before final judgment by evidence on oath, to the satisfaction of a judge of one of those courts, that the plaintiff has good cause of action against the defendant to the amount of £50 or upwards, and that there is probable cause for believing that the defendant is about to quit England unless he be apprehended, and that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, such judge may in the prescribed manner order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he has sooner given the prescribed security, not exceeding the amount claimed in the action, that he will not go out of England without the leave of the Court.

Where the action is for a penalty or sum in the nature of a penalty other than a penalty in respect of any contract, it shall not be necessary to prove that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, and the security given (instead of being that the defendant will not go out of England) shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

7. *Discharge of persons in custody at the commencement of this Act.*] Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Where at the commencement of this Act special bail has been given in any action the defendant in which after the commencement of this Act cannot be imprisoned on making default in satisfying the judgment recovered against him in such action, the condition of such bail, instead of being that the judgment shall be satisfied or the defendant rendered to prison, shall be deemed to be that the defendant shall not go out of England without leave of the court.

8. *Saving for sequestration against property.*] Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any court of equity in the same manner as if such debtor had been actually arrested.

9. *Saving for Bankruptcy Act, 1869.*] Nothing in this part of this Act shall in any way affect any right or power under the Bankruptcy Act, 1869, to arrest or imprison any person.

10. *Definition of "prescribed."*] In this part of this Act the term "prescribed" means as follows:—

As respects the superior courts of common law, prescribed by general rules to be made in pursuance of the Common Law Procedure Act, 1852;

As respects the superior courts of equity, prescribed by general rules and orders to be made in pursuance of the Act 15 & 16 Vict. c. 80;

As respects the county courts, prescribed by general rules to be made under the County Court Act, 1856; and

As respects any other court, prescribed by the rules to be made, with the approval of the Lord Chancellor, by the persons having power to make rules in relation to the practice of such court; or if there be no such persons, by the judge of such court;

And general rules and orders may respectively be made by such authorities as aforesaid, for the purpose of carrying into effect this part of this Act.

PART II.

Punishment of fraudulent debtors.

11. *Punishment of fraudulent debtors.*] Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of the Bankruptcy Act, 1869,

shall, in each of the cases following, be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour; that is to say,

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud;

2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud;

3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control, relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud;

4. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals any part of his property to the value of £10 or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud;

5. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently removes any part of his property of the value of £10 or upwards;

6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud;

7. If knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee as aforesaid thereof;

8. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

9. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

10. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he makes or is privy to the making of any false entry in any book, or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

11. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs;

12. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or at any meeting of his creditors within four months next before such presentation or commencement, he attempts to account for any part of his property by fictitious losses or expenses;

13. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, by any false representa-

tion or other fraud, has obtained any property on credit and has not paid for the same :

14. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the jury is satisfied that he had no intent to defraud :
15. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud :
16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation.
12. *Penalty for absconding with property.* [If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months before such presentation or commencement, quits England and takes with him or attempts or makes preparation for quitting England and for taking with him, any part of his property, to the amount of £20 or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of felony punishable with imprisonment for a time not exceeding two years, with or without hard labour.

13. *Penalty on fraudulently obtaining credit, &c.* [Any person shall in each of the cases following be deemed guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour ; that is to say,

1. If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud :
2. If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property :
3. If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.
14. *False claim, &c., a misdemeanour.* [If any creditor in any bankruptcy or liquidation by arrangement or composition with creditors in pursuance of the Bankruptcy Act, 1869, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanour, punishable with imprisonment not exceeding one year, with or without hard labour.

15. *Debts incurred by fraud.* [Where a debtor makes any arrangement or composition with his creditors under the provisions of the Bankruptcy Act, 1869, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

16. *Order by court for prosecution on report of trustee.* [Where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, or where the court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the court shall, if it appears to the court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

17. *Expenses of prosecutions.* [Where the prosecution of

the bankrupt under this Act is ordered by any court, then, on the production of the order of the court, the expenses of the prosecution shall be allowed, paid, and borne as expenses of prosecutions for felony are allowed, paid, and borne.

18. *Application of Vexatious Indictments Act to offences under this Act.* [Every misdemeanour under the second part of this Act shall be deemed to be an offence within and subject to the provisions of the Act of the session of the 22nd & 23rd years of the reign of her present Majesty, chapter 17, intituled "An Act to prevent vexatious indictments for certain misdemeanours ;" and when any person is charged with any such offence before any justice or justices, such justice or justices shall take into consideration any evidence adduced before him or them tending to show that the act charged was not committed with a guilty intent.

19. *Form of indictment.* [In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged, in the words of this Act specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant, or document of any court acting under the Bankruptcy Act, 1869.

20. *Quarter sessions to have jurisdiction in respect of offences under this Act.* [So much of the Act of the session of the 5th & 6th years of her Majesty's reign (chapter 38), "to define the jurisdiction of justices in general and quarter sessions of the peace," as excludes from the jurisdiction of justices and recorders at sessions of the peace or adjournments thereof, the trial of persons for offences against any provision of the laws relating to bankrupts, is hereby repealed as from the passing of this Act ; and any offence under this Act shall be deemed to be within the jurisdiction of such justices and recorders.

21. *Mayors, &c., disqualified by arrangements.* [The provisions of the Act of the session of the 5 & 6 Will. 4, c. 76, for the regulation of municipal corporations, sections 52 and 53, as to the disqualification of mayors, aldermen, and town councillors having been declared bankrupt or having compounded by deed with their creditors, shall extend to every arrangement or composition by a mayor, alderman, or town councillor with his creditors under the Bankruptcy Act, 1869, whether the same is made by deed or otherwise.

22. *Justices of the peace becoming bankrupt or arranging with creditors.* [If any person being assigned by her Majesty's commission to act as a justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under the Bankruptcy Act, 1869, he shall be and remain incapable of acting as a justice of the peace until he has been newly assigned by her Majesty in that behalf.

23. *Punishments under this Act cumulative.* [Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

PART III.

Warrants of attorney, cognovits, and orders for judgment.

24. *Warrants of attorney and cognovit actionem to be executed in the presence of an attorney on behalf of the person.* [After the commencement of this Act, a warrant of attorney to confess judgment in any personal action or cognovit actionem given by any person shall not be of any force unless there is present some attorney of one of the superior courts on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney.

25. *Warrant, &c., not formally executed invalid.* [A warrant of attorney to confess judgment or cognovit actionem not executed in manner aforesaid shall not be rendered valid by proof that the person executing the same did in fact understand the nature and effect thereof, or was fully informed of the same.

26. *Filing of warrant of attorney and cognovit actionem.* [

Where in an action a warrant of attorney to confess judgment or a cognovit actionem is given, and the same, or a true copy thereof, is not filed with the officer acting as clerk of the doquets and judgments in the Court of Queen's Bench within twenty-one days next after the execution thereof as required by the Act of 3 Geo. 4, c. 39, "for preventing frauds upon creditors by secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or cognovit actionem so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before the filing thereof, otherwise the warrant or cognovit shall be void.

27. *Filing of judge's order to enter up judgment.*] Where a judge's order made by consent is given by a defendant in a personal action whereby the plaintiff is authorized forthwith or at any future time to sign or enter up judgment, or to issue or to take out execution, whether such order is made subject to any defeasance or condition or not, then if the action is in the Court of Queen's Bench the order, and if the action is in any other court a true copy of the order, shall, together with an affidavit of the time of such consent being given, and a description of the residence and occupation of the defendant, be filed with the officer acting as clerk of the doquets and judgments in the Court of Queen's Bench within twenty-one days after the making of the order, otherwise the order and any judgment signed or entered up thereon, and any execution issued or taken out on such judgment, shall be void.

28. *Application of 3 Geo. 4, c. 39, and 6 & 7 Vict. c. 66, to judge's orders.*] The provisions of the said Act 3 Geo. 4, and of the Act 6 & 7 Vict. c. 66, "to enlarge the provisions of an Act for preventing frauds upon creditors by secret warrants of attorney to confess judgment," for liberty to file a warrant of attorney or cognovit actionem, or a copy thereof, with the clerk of the doquets and judgments, and for that clerk to make certain entries and search in relation thereto, and for entering satisfaction thereon, and for fees for search, and filing and taking office copies, shall extend and be applicable to every such judge's order.

29. *Exemption from act of foreign attachment.*] Nothing in this Act contained shall affect the custom of foreign attachment as exercised by any competent court, or the proceedings in relation to such custom.

CAP. LXIII.

An Act to amend the Metropolitan Poor Act, 1867.

[9th August, 1869.]

1. Poor Law Board empowered to dissolve asylum and school districts and unions.
2. Provision for the amalgamation of the several parts of a district into one union.
3. Provision for parish workhouse in unions upon which union money has been expended.
4. Poor Law Board empowered to adjust parts of divided parishes.
5. Provision for the dealing with the property vested in a board of guardians of a parish on the dissolution of the board.
6. Qualification of managers of asylum districts.
7. Provision for the acting managers of a parish in a district where such parish is added to a union.
8. Registrars of births and deaths to continue in office notwithstanding dissolution of union.
9. How loans in districts to be charged.
10. 31 & 32 Vict. c. 122, s. 24, extended to auditors.
11. Guardians and managers may provide ships for the training of boys for the sea service.
12. Where dispensary provided the establishment of a dispensary committee not to be peremptory.
13. Where a dispensary is provided guardians shall provide a place for the attendance of sick poor and medical officer.
14. If guardians refuse or neglect to provide a dispensary, no allowance to be made out of metropolitan common fund for medicines and medical officers' salaries.

15. Vaccination expenses.

16. Arrangements with public general hospitals.

17. Guardians may provide in their workhouses for the maintenance of particular classes of poor, and receive therein poor of the same class from other unions and parishes.

18. Compensations to be charged on the metropolitan common poor fund.

19. Provision as to computing time of service of officers deprived of office under this Act.

20. Repeal of 29th section of the Metropolitan Poor Act, 1867.

21. Maintenance of orphans charged to common fund.

22. Readjustment of boundaries between two parishes by agreement of vestries.

23. Interpretation clause.

24. Act only to apply to the metropolis.

25. Short title.

CAP. LXIV.

An Act to appoint additional Commissioners for executing the Acts for granting a land tax and other rates and taxes.

[9th August, 1869.]

CAP. LXV.

An Act for appointing Commissioners to inquire into the existence of corrupt practices amongst the freemen electors of the City of Dublin.

[9th August, 1869.]

CAP. LXVI.

An Act to continue and amend an Act to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain and Ireland; to grant allowances in certain cases to subaltern officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, and surgeons' mates of the militia; and to authorise the employment of the non-commissioned officers.

[9th August, 1869.]

CAP. LXVII.

An Act to provide for uniformity in the assessment of rateable property in the metropolis.

[9th August, 1869.]

1. Act to be construed as one with 25 & 26 Vict. c. 103, and 27 & 28 Vict. c. 39.

2. Short title.

3. Extent of Act.

4. Definitions: Metropolis, Parish, Union, Ratepayer, Year, Surveyor of taxes, Overseers, Vestry clerk, Hereditament, Gross value, Rateable value.

5. Election of assessment committee in single parish where there is a vestry.

6. Making of valuation lists.

7. Valuation lists to be dealt with under 25 & 26 Vict. c. 103, s. 17 to 21.

8. Duplicate sent to surveyor of taxes.

9. Notice to occupier of alteration of value, &c.

10. Notice to state time and mode of objection.

11. Grounds on which persons may object before assessment committee.

12. Surveyor of taxes, &c., may inspect copy, and object to valuation list.

13. If overseers do not transmit list, committee to appoint a person to do so.

14. Valuation list to be revised, certified, and sent to overseers, &c.

15. Deposit of duplicate of list in each parish.

16. Deposit of list at office of the managers of metropolitan asylum district.

17. Printing and distribution of totals of gross and rateable value in valuation list.
18. Holding of special session to hear appeals.
19. Persons entitled to appeal to special sessions.
20. Extent of jurisdiction of special sessions.
21. Powers of special sessions.
22. Notice by special sessions of time of sitting.
23. Court of general assessment sessions.
24. Appointment of members of general assessment sessions.
25. Officers of general assessment sessions.
26. Chairman, quorum, and powers of general assessment sessions.
27. Orders as to proceedings and recognizances on appeals.
28. Fees on appeals under Act.
29. Places for hearing appeals.
30. Public notice of times of holding courts to be given.
31. Summons of certain officers as witnesses.
32. Persons entitled to appeal to assessment sessions.
33. Notice of appeal to special or assessment sessions.
34. Sessions to hear and determine appeals and alter list accordingly.
35. Making of valuation list where none approved.
36. Assessment sessions may, on application of party to appeal, order valuation.
37. Adjournment to receive valuation list or valuation.
38. Valuation to be in writing, person making it to have power to enter.
39. Costs of appeal.
40. Appeal from decision of assessment sessions on points of law.
41. Notice of alteration of list to be sent to overseers.
42. Times within which proceedings in making valuation list are to be done.
43. Duration of valuation list.
44. Rate to be levied notwithstanding appeal.
45. Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.
46. Mode of revising valuation list.
47. Provision for valuing a house built between the times at which the valuation list is made.
48. Costs of appeal, &c.
49. Inland Revenue may make allowances for expenses of Act.
50. Expenses.
51. Form and contents of valuation list.
52. Deductions for rateable value.
53. Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.
54. Saving of exemptions and exceptional principles of valuation.
55. Occupier to make returns.
56. Surveyor of taxes to supply notices and forms for returns to overseers, who are to serve them.
57. Assessment committee may require returns from owner and occupier.
58. Penalty for no or false returns.
59. Provision for cases where no guardians and where no overseers.
60. Provision where vestry are the overseers.
61. Guardians may appoint a paid valuer to assist the assessment committee.
62. Assessment committee and overseers may give security for costs of valuation.
63. Use of public room for appeals, &c.
64. Evidence of valuation list, &c.

65. Service of notices, &c., by post, &c.
66. Publication of notices by overseers.
67. Inspection, &c., of documents deposited with rate books.
68. Valuation lists to be equivalent to rate books of parish.
69. Ratepayer, &c., may inspect documents, &c., in hands of clerk of managers or assessment committee.
70. Owner where rated to be in position of occupier.
71. Amendment of error in rate by two justices.
72. Omissions from the rate.
73. Form of rate and declaration.
74. Amendment of 25 & 26 Vict. c. 103, s. 11.
75. Saving of powers to value property not included in a valuation list.
76. Separate assessment of houses for purposes of house duty, income tax, and licensing Acts.
77. Repeal of Acts herein described.

CAP. LXVIII.

An Act for the further amendment of the law of evidence. [9th August, 1869.]

Whereas the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery:

Be it enacted, &c.

1. Section 4 of 14 & 15 Vict. c. 99, and part of section 2 of 16 & 17 Vict. c. 83, repealed.] The 4th section of chapter 99 of the statute passed in the 14th and 15th years of her present Majesty, and so much of the second section of the Evidence Amendment Act, 1853, as is contained in the words "or in any proceeding instituted in consequence of adultery," are hereby repealed.

2. Parties in actions for breach of promise of marriage.] The parties to any action for breach of promise of marriage shall be competent to give evidence in such action: provided always, that no plaintiff in any action for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise.

3. Parties and their husbands and wives to be witnesses in suits for adultery.] The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding: provided that no witness in any proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

4. Persons objecting to take oath may be allowed to make declaration, and be triable for perjury.] If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration:—

"I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth."

And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath.

5. Short title.] This Act may be cited for all purposes as the Evidence Further Amendment Act, 1869.

6. Extent of Act.] This Act shall not extend to Scotland.

CAP. LXIX.

An Act to provide for the better liquidation of certain loans raised under the guarantee of her Majesty for the service of the colony of Jamaica.

[9th August, 1869.]

CAP. LXX.

An Act to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of contagious or infectious diseases among Cattle and other animals in Great Britain.

[9th August, 1869.]

1. *Short title.*
2. *Extent of Act.*
3. *Division of Act into parts.*
4. *Repeal of Acts in schedule.*
5. *Definition, &c., of Privy Council.*
6. *Interpretation of terms as to animals, &c.*
7. *Definition of boroughs and other places.*
8. *Effect of schedules.*
9. *Local authorities, &c., in schedule.*
10. *Local authority in city of London.*
11. *Appointment of committees.*
12. *Appointment of inspectors and other officers by local authorities.*
13. *Removal of inspectors.*
14. *Reports to privy council, &c.*
15. *Power to define ports.*
16. *Power to prohibit landing of foreign animals.*
17. *Power to apply regulations in schedule to landing in specified cases.*
18. *Power to vary regulations.*
19. *Provision respecting animals within port, &c.*
20. *Power to impose quarantine.*
21. *Punishment for wrongful landing, &c.*
22. *Return of diseases among foreign animals to be published in London Gazette.*
23. *Power to provide, &c., wharves, lairs, &c.*
24. *Incorporation of Markets, &c., Clauses Act, 1847.*
25. *Charges for use of wharves, &c.*
26. *Power to give as security for borrowed money, charges, estates, &c.*
27. *Separate account and application of money received.*
28. *Special provisions respecting metropolis.*
29. *Provision on failure of corporation of London to provide market.*
30. *Continuance of defined part where market, &c., provided.*
31. *Inspector to proceed on information.*
32. *Power of entry for inspector, &c.*
33. *Evidence of disease.*
34. *Provisional declaration of infected place by inspector.*
35. *Determination and declaration of local authority.*
36. *Declaration of infected place by local authority or Privy Council.*
37. *Extent of area on declaration by local authority.*
38. *Extension of area into district of other authority.*
39. *Extent of infected place under declaration by council.*
40. *Area of infected places in metropolis.*
41. *Description of infected place.*
42. *Notice of declaration.*
43. *Order evidence of disease.*
44. *Rules in schedule.*
45. *Offences as to infected places.*
46. *Exception for railways.*
47. *Power to Privy Council to make rules as to infected places.*
48. *Duties of local authorities, &c.*
49. *Authority of constable.*
50. *Discontinuance of declaration of infected places.*
51. *Report to Privy Council.*
52. *Effect of orders of council.*
53. *Restriction on movement, &c., near infested places.*
54. *Provisional declaration as to pleuro-pneumonia by inspector.*
55. *Determination and declaration by local authority as to pleuro-pneumonia.*
56. *Forms in schedule.*
57. *Exposure for sale, transport by railway, &c., of diseased animals.*
58. *Turning out of diseased animals on uninclosed lands, &c.*
59. *Trespass on land.*
60. *Burial of diseased animals.*
61. *Purification of sheds, &c., of diseased animals.*
62. *Steamboat and railway companies, &c., to disinfect carriages, boats, &c.*
63. *Regulations for disinfecting.*
64. *Water and food to be provided at railways to satisfaction of Privy Council.*
65. *Slaughter in cattle plague.*
66. *Slaughter of cattle herded with diseased animals.*
67. *Slaughter of animals to ascertain disease.*
68. *Compensation to owners of animals on slaughter.*
69. *Compensation for slaughter of cattle herded with diseased animals.*
70. *Power to ascertain value of slaughtered animals.*
71. *Restrictions on compensation.*
72. *Amount of insurance to be recovered.*
73. *Reservation for experimental treatment.*
74. *Record respecting slaughter.*
75. *Power for Privy Council to make orders.*
76. *Privy Council inspectors.*
77. *Provisions for towns, &c.*
78. *Regulation, &c., of landing of hay, &c.*
79. *Directions of council and local authority.*
80. *Expenses of execution of orders.*
81. *Publication of orders, &c.*
82. *Instrument may be in print, &c.*
83. *Stamp duty and fees not to be paid.*
84. *Evidence of orders.*
85. *Recovery of penalties.*
86. *Acquisition of land by local authority.*
87. *Conveyances, &c., of land.*
88. *Purchase under provisional order.*
89. *Expenses for compensation.*
90. *General expenses.*
91. *Remission of rate in certain cases.*
92. *Application of balance unappropriated.*
93. *Variation of forms of precepts and orders.*
94. *Advance of moneys by treasurer of local authority.*
95. *Saving of statutes applicable to rates leviable for expenses.*
96. *Error in statement not to vitiate precept, &c.*
97. *Recouping of charges on boroughs out of county rates.*
98. *Mortgage of rates in certain cases.*
99. *Farther power where expenses exceed one shilling in the pound.*
100. *Provision for existing loans.*
101. *Provisions for Cheshire as to repayment of existing loan, &c.*
102. *Validity of rates under Act.*
103. *Penalty for disobedience to Act or order.*
104. *Penalties on use of expired licences, &c.*
105. *Punishment for obstructing inspectors, &c.*

106. Application of penalties.
107. Appearance of companies, &c.
108. Appeal.
109. Jurisdiction for trial of offences, &c.
110. Actions against persons executing Act not to be brought without notice, &c.
111. Plea in action.
112. Evidence in action.
113. Tender of amends, &c.
114. Costs of defendant.
115. Costs, &c., of defences to actions, &c., under direction of local authority.
116. Application of Part X. to Scotland.
117. Local authority, &c.
118. Appointment of local authority in counties.
119. Purchase under provisional order.
120. Mode of levying and recovering assessments.
121. Certificate of copy for evidence.
122. Jurisdiction under 27 & 28 Vict. c. 53.
123. Local authority may apply to procurator fiscal.
124. Sheriff to have concurrent jurisdiction.
125. Notice of appeal.
126. Burgh of Maxwelltown.

CAP. LXXI.

An Act to consolidate and amend the law of bankruptcy. [9th August, 1869.]

Whereas it is expedient to consolidate and amend the law relating to bankruptcy:—

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Bankruptcy Act, 1869."

2. *Application of Act.*] This Act shall not, except in so far as is expressly provided, apply to Scotland or Ireland.

3. *Commencement of Act.*] This Act shall not come into operation until 1st January, 1870, which date is herein-after referred to as the commencement of this Act.

4. *Interpretation of certain terms in the Act.*] In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

Court.] "The Court" shall mean the court having jurisdiction in bankruptcy, as by this Act provided.

Registrar.] "The registrar" shall mean the registrar of "the court" as above defined.

Prescribed.] "Prescribed" shall mean prescribed by rules of court to be made as in this Act provided.

Property.] "Property" shall mean and include money, goods, things in action, land, and every description of property, whether real or personal; also, obligations, easements, and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined.

Debt.] "Debt provable in bankruptcy" shall include any debt or liability by this Act made provable in bankruptcy.

Person.] "Person" shall include a body corporate.

Trader.] "Trader" shall, for the purposes of this Act, mean the several persons in that behalf mentioned in the first schedule to this Act annexed.

5. *Exclusion of companies and large partnerships.*] A partnership, association, or company corporate, or registered under "The Companies Act, 1862," shall not be adjudged bankrupt under this Act.

PART I.

ADJUDICATION AND VESTING OF PROPERTY.

Adjudication.

6. *Petition for adjudication in bankruptcy.*] A single creditor, or two or more creditors if the debt due to such

single creditor, or the aggregate amount of debts due to such several creditors, from any debtor, amount to a sum of not less than £50, may present a petition to the court, praying that the debtor be adjudged a bankrupt, and alleging as the ground for such adjudication any one or more of the following acts or defaults, herein-after deemed to be and included under the expression "acts of bankruptcy":—

1. That the debtor has, in England or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally.
2. That the debtor has, in England or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof.
3. That the debtor has, with intent to defeat or delay his creditors, done any of the following things—namely, departed out of England, or being out of England remained out of England; or being a trader departed from his dwelling-house, or otherwise absented himself; or begun to keep house; or suffered himself to be outlawed.
4. That the debtor has filed in the prescribed manner in the court a declaration admitting his inability to pay his debts.
5. That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than £50 has in the case of a trader been levied by seizure and sale of his goods.
6. That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons requiring the debtor to pay a sum due, of an amount of not less than £50, and the debtor being a trader has for the space of seven days, or not being a trader has for the space of three weeks succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same.

But no person shall be adjudged a bankrupt on any of the above grounds unless the act of bankruptcy on which the adjudication is grounded has occurred within six months before the presentation of the petition for adjudication; moreover, the debt of the petitioning creditor must be a liquidated sum due at law or in equity, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated a bankrupt, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value.

7. *Proceedings in relation to a debtor's summons.*] A debtor's summons may be granted by the court on a creditor proving to its satisfaction that a debt sufficient to support a petition in bankruptcy is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form, resembling, as nearly as circumstances admit, a writ issued by one of her Majesty's superior courts. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged a bankrupt. The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Any debtor served with a debtor's summons may apply to the court, in the prescribed manner and within the prescribed time, to dismiss such summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting a bankruptcy petition against him; and the court may dismiss the summons with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such

time as will be required for the trial of the question relating to such debt: provided that when the summons should have issued from the London Court of Bankruptcy, such trial shall be had either before such court or before any other court of competent jurisdiction, and when the summons shall have issued from a county court, before such court in all cases in which it has now jurisdiction, and in all other cases before some competent tribunal.

8. *Proceedings on petition.*] A petition praying that a debtor may be adjudged a bankrupt, in this Act referred to as a bankruptcy petition, shall be served in the prescribed manner. At the hearing the court shall require proof of the debt of the petitioning creditor, and of the trading, if necessary, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with such proof, shall adjudge the debtor to be bankrupt. The court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition, with or without costs, as the court thinks just.

9. *Proceedings if debt of petitioning creditor is contested.*] Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such amount as would justify the petitioner in presenting a bankruptcy petition against him, the court upon such security (if any) being given as the court may require, for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for trial of the question relating to such debt, and such trial shall be had in manner herein-before provided with respect to disputed debts under debtors' summonses.

Where proceedings are stayed, the court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor a bankrupt on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition proceedings in which have been stayed as aforesaid.

10. *Advertisement of order of adjudication.*] A copy of an order of the court adjudging the debtor to be bankrupt shall be published in the *London Gazette*, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a copy of the *Gazette* containing such order as aforesaid shall be conclusive evidence in all legal proceedings of the debtor having been duly adjudged a bankrupt, and of the date of the adjudication.

11. *Definition of commencement of bankruptcy.*] The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the act of bankruptcy being completed on which the order is made adjudging him to be bankrupt; or if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to and to commence at the time of the first of the acts of bankruptcy that may be proved to have been committed by the bankrupt within twelve months next proceeding the order of adjudication; but the bankruptcy shall not relate to any prior act of bankruptcy, unless it be that at the time of committing such prior act the bankrupt was indebted to some creditor or creditors in a sum or sums sufficient to support a petition in bankruptcy, and unless such debt or debts are still remaining due at the time of the adjudication.

12. *Creditors bound by bankruptcy proceedings.*] Where a debtor shall be adjudicated a bankrupt, no creditor to whom the bankrupt is indebted in respect of any debt provable in the bankruptcy shall have any remedy against the property or person of the bankrupt in respect of such debt except in manner directed by this Act. But this section shall not affect the power of any creditor holding a security upon the property of the bankrupt to realise or otherwise deal with such security in the same manner as he would have been entitled to realise or deal with the same if this section had not been passed.

13. *Power of court, after presentation of petition, to restrain suits, &c., and appoint receiver.*] The court may, at any time after the presentation of a bankruptcy petition against the debtor, restrain further proceedings in any

action, suit, execution, or other legal process against the debtor in respect of any debt provable in bankruptcy, or it may allow such proceedings, whether in progress at the commencement of the bankruptcy or commenced during its continuance, to proceed upon such terms as the court may think just. The court may also, at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business, or any part thereof.

Appointment of trustee.

14. *Meeting of creditors for appointment of persons to administer bankrupt's property.*] When an order has been made adjudging a debtor bankrupt, herein referred to as an order of adjudication, the property of the bankrupt shall become divisible amongst his creditors in proportion to the debts proved by them in the bankruptcy; and for the purpose of effecting such division the court shall, as soon as may be, summon a general meeting of his creditors, and the creditors assembled at such meeting shall and may do it as follows:

1. They shall, by resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt, at such remuneration as they may from time to time determine, if any; or they may resolve to leave his appointment to the committee of inspection herein-after mentioned;
2. They shall, when they appoint a trustee, by resolution declare what security is to be given, and to whom, by the person so appointed, before he enters on the office of trustee;
3. They shall by resolution appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors as is in this Act mentioned, or authorized in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the bankrupt's property;
4. They may, by resolution, give directions as to the manner in which the property is to be administered by the trustee, and it shall be the duty of the trustee to conform to such directions, unless the court for some just cause otherwise orders.

15. *Descriptions of bankrupt's property divisible amongst creditors.*] The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

1. Property held by the bankrupt on trust for any other person.
 2. The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding £20 in the whole.
- But it shall comprise the following particulars:—
3. All such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him during its continuance.
 4. The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or during its continuance, except the right of nomination to a vacant ecclesiastical benefice.
 5. All goods and chattels being, at the commencement of the bankruptcy, in the possession, order, or disposition of the bankrupt, being a trader, by the consent and permission of the true owner, of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner; provided that things in action, other than debts due to him in the course of his trade, or business, shall not be deemed goods and chattels within the meaning of this clause.

16. *Regulations as to first meeting of creditors.*] The general meeting of creditors to be summoned as aforesaid by the court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment

of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat.

Provided that,—

1. The meeting shall be presided over by the registrar, or, in the event of his being unable to attend through illness or any unavoidable cause, by such chairman as the meeting may elect:
2. A person shall not be entitled to vote as a creditor unless at or previously to the meeting he has in the prescribed manner proved a debt provable under the bankruptcy to be due to him:
3. A creditor shall not vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.
4. A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realized, be determined in the prescribed manner. He may, however, at or previously to the meeting of creditors, give up the security to the trustee, and thereupon he shall rank as a creditor in respect of the whole sum due to him.
5. A "secured creditor" shall in this Act mean any creditor holding any mortgage, charge, or lien on the bankrupt's estate, or any part thereof, as security for a debt due to him.
6. Votes may be given either personally or by proxy.
7. An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting on such resolution.
8. A special resolution shall be decided by a majority in number, and three fourths in value, of the creditors present personally or by proxy at the meeting and voting on such resolution.

17. *Devolution of property on trustee.*] Until a trustee is appointed the registrar shall be the trustee for the purposes of this Act, and immediately upon the order of adjudication being made the property of the bankrupt shall vest in the registrar. On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

The expression "trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the registrar or not; but when the registrar holds the office of trustee he shall, unless the court otherwise orders, in the administration of the property of the bankrupt, apply to the court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the court.

18. *Evidence of appointment of trustee.*] The appointment of a trustee shall be reported to the court, and the court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the bankruptcy named in the certificate, and such certificate shall be conclusive evidence of the appointment of trustee, and such appointment shall date from the date of the certificate. When the registrar holds the office of trustee, or when the trustee is changed, a like certificate of the court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

PART II.

ADMINISTRATION OF PROPERTY.

General provisions affecting administration of property.

19. *Conduct of bankrupt.*] The bankrupt shall, to the utmost of his power, aid in the realization of his property, and the distribution of the proceeds amongst his creditors. He shall produce a statement of his affairs to the first meeting of creditors, and shall be publicly examined thereon on a day to be named by the court, and subject to such adjourned public examination as the court may direct. He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by rules of court, or be directed by the

court by any special order or orders made in reference to any particular bankruptcy, or made on the occasion of any special application by the trustee or any creditor.

If the bankrupt wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such bankrupt, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly.

20. *Conduct of trustee, and appeal to court against trustee.*] The trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection, and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection; the trustees shall call a meeting of the committee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee as he think necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the court, in manner prescribed, for directions in relation to any particular matter arising under the bankruptcy.

The bankrupt, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the court, and the court may confirm, reverse or modify the act complained of, and make such order in the premises as it thinks just. The court may from time to time, during the continuance of a bankruptcy, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the court thinks fit, direct the registrar to preside at such meetings.

The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position in all respects as if he were receiver of such property appointed by the Court of Chancery, and the court may, on his application, enforce such acquisition or retention of property accordingly.

21. *Regulations as to general meetings of creditors subsequent to first meeting.*] The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in a bankruptcy, with this exception, that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection, and that such meetings may, unless otherwise directed by the court in the case of meetings summoned by the court be presided over by the person chosen by the creditors assembled at such meeting, and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at or subsequently to such first meeting, shall be allowed to be present and to vote thereat.

Dealings with bankrupt's property.

22. *Possession of property by trustee.*] Where any portion of the property of the bankrupt consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee to the same extent as the bankrupt might have exercised the same if he had not become bankrupt. Where any portion of such estate consists of copyhold or customary property, or any like property passing by surrender and admittance or in any similar manner, the trustee shall not be compellable to be admitted to such property, but may deal with the same in the same manner as if such property had been capable of being and had been duly surrendered or otherwise conveyed to such uses as the trustee may appoint; and any appointee of the trustee shall be admitted or otherwise invested with the property accordingly.

Where any portion of the property of the bankrupt consists of things in action, any action, suit, or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such action, suit,

or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the bankrupt, and all other property capable of manual delivery. The trustee shall keep in such manner as rules of court shall direct, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of court shall direct, and any creditor of the bankrupt may, subject to the control of the court, personally or by his agent inspect such books.

23. *Disclaimer as to onerous property.*] When any property of the bankrupt acquired by the trustee under this Act consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding he has endeavoured to sell, or has taken possession of such property, or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property, and upon the execution of such disclaimer the property disclaimed shall, if the same is a contract, be deemed to be determined from the date of the order of adjudication, and if the same is a lease be deemed to have been surrendered on the same date, and if the same be shares in any company be deemed to be forfeited from that date, and if any other species of property it shall revert to the person entitled on the determination of the estate or interest of the bankrupt, but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the bankrupt. Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Any person injured by the operation of this section shall be deemed a creditor of the bankrupt to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy.

24. *Limitation of time for disclaimer.*] The trustee shall not be entitled to disclaim any property in pursuance of this Act in cases where an application in writing has been made to him by any person interested in such property, requiring such trustee to decide whether he will disclaim or not, and the trustee has for a period of not less than twenty-eight days after the receipt of such application or such further time as may be allowed by the Court declined or neglected to give notice whether he disclaims the same or not.

25. *Power of trustee to deal with property.*] Subject to the provisions of this Act, the trustee shall have power to do the following things:

1. To receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths;
2. To carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same;
3. To bring or defend any action, suit, or other legal proceeding relating to the property of the bankrupt;
4. To deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the bankrupt might have dealt with the same; and the sections 56 to 73 (both inclusive) of the Act of the session of the 3rd and 4th years of the reign of King William the Fourth (chapter 74), "for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance," shall extend and apply to proceedings in bankruptcy under this Act as if those sections were here re-enacted and made applicable in terms to such proceedings;
5. To exercise any powers the capacity to exercise which is vested in him under this Act, and to execute all powers of attorney, deeds, and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act;
6. To sell all the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power, if he thinks

fit, to transfer the whole thereof to any person or company, or to sell the same in parcels:

7. To give receipts for any money received by him, which receipt shall effectually discharge the person paying such moneys from all responsibility in respect of the application thereof;
8. To prove, rank, claim, and draw a dividend in the matter of the bankruptcy or sequestration of any debtor of the bankrupt.

26. *Power to allow bankrupt to manage property.*] The trustee may appoint the bankrupt himself to superintend the management of the property or of any part thereof, or to carry on the trade of the bankrupt (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

27. *Power of trustee to compromise, &c.*] The trustee may, with the sanction of the committee of inspection, do all or any of the following things:

1. Mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
2. Refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist, between the bankrupt and any debtor or person who may have incurred any liability to the bankrupt, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon;
3. Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors in respect of any debts provable under the bankruptcy;
4. Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;
5. To divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases.

28. *Power of trustee to accept composition or general scheme of arrangement.*] The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the bankrupt, or assent to any general scheme of settlement of the affairs of the bankrupt upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject, nevertheless, to the approval of the court, to be testified by the judge of the court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the court.

Where the annulling the order of adjudication is made a condition of any composition with the bankrupt or of any general scheme for the liquidation of his affairs, the court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from and after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the court on a motion made in a summary manner by any person interested, and any disobedience of the order of the court made on such motion shall be deemed to be a contempt of court. The approval of the court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors so far as relates to any debts due to them and provable under the bankruptcy.

29. *Trustee, if a solicitor, may be paid for services.*] A trustee shall not, without the consent of the committee of inspection, employ a solicitor or other agent, but where

the trustee is himself a solicitor he may contract to be paid a certain sum by way of per-centage or otherwise as a remuneration for his services as trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

30. *Trustees to pay monies into bank.*] The trustee shall pay all sums from time to time received by him into such bank as the majority of the creditors in number and value at any general meeting shall appoint, and failing such appointment into the Bank of England; and if he at any time keep in his hands any sum exceeding £50 for more than ten days he shall be subject to the following liabilities; that is to say,

1. He shall pay interest at the rate of £20 per centum per annum on the excess of such sum above £50 as he may retain in his hands:
2. Unless he can prove to the satisfaction of the court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Payment of debts and distribution of assets.

31. *Description of debts provable in bankruptcy.*] Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be provable in bankruptcy, and no person having notice of any act of bankruptcy available for adjudication against the bankrupt shall prove for any debt or liability contracted by the bankrupt subsequently to the date of his so having notice.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the bankruptcy by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in bankruptcy, and may be proved in the prescribed manner before the trustee in the bankruptcy.

An estimate shall be made according to the rules of the court for the time being in force, so far as the same may be applicable, and where they are not applicable, at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the court, and the court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy, but if the court think that the value of the debt or liability is capable of being fairly estimated it may direct such value to be assessed with the consent of all the parties interested before the court itself without the intervention of a jury, or if such parties do not consent by a jury, either before the court itself or some other competent court, and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under the bankruptcy.

"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring, before the close of the bankruptcy, and generally it shall include any express or implied engagement, agreement, or undertaking, to pay, or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated; as respects time present or future, certain, or dependent on any one contingency or on two or more contingencies; as to one mode of valuation capable of being ascertained by fixed rules, or assessable only by a jury, or as matter of opinion.

32. *Preferential debts.*] The debts hereinafter mentioned shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be

paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

1. All parochial or other local rates due from him at the date of the order of adjudication, and having become due and payable within twelve months next before such time, all assessed taxes, land tax, and property or income tax assessed on him up to the fifth day of April next before the date of the order of adjudication, and not exceeding in the whole one year's assessment;
2. All wages or salary of any clerk or servant in the employment of the bankrupt at the date of the order of adjudication, not exceeding four months' wages or salary, and not exceeding fifty pounds; all wages of any labourer or workman in the employment of the bankrupt at the date of the order of adjudication, and not exceeding two months' wages;

Save as aforesaid, all debts provable under the bankruptcy shall be paid *pari passu*.

33. *Preferential claim in case of apprenticeship.*] Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an article clerk to the bankrupt, the order of adjudication shall, if either the bankrupt or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Where it appears expedient to a trustee he may on the application of any apprentice or article clerk to the bankrupt, or any person acting on behalf of such apprentice or article clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

34. *Power of landlord to distrain for rent.*] The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the overplus due for which the distress may not have been available.

35. *Proof in case of rent and periodical payment.*] When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day.

36. *Interest on debts.*] Interest on any debt provable in bankruptcy may be allowed by the trustee under the same circumstances in which interest would have been allowable by a jury if an action had been brought for such debt.

37. *Proof in respect of distinct contracts.*] If any bankrupt is, at the date of the order of adjudication, liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

38. *Allowance to bankrupt for maintenance or service.*] The trustee, with the consent of the creditors, testified by a re-

solution passed in general meeting, may from time to time, during the continuance of the bankruptcy, make such allowance as may be approved by the creditors to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate.

39. *Set-off.*] Where there have been mutual credits, mutual debts, or other mutual dealings between the bankrupt and any other person proving or claiming to prove a debt under his bankruptcy, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a bankrupt in any case where he had, at the time of giving credit to the bankrupt, notice of an act of bankruptcy committed by such bankrupt, and available against him for adjudication.

40. *Provision as to secured creditor.*] A creditor holding a specific security on the property of the bankrupt, or on any part thereof, may, on giving up his security, prove for his whole debt.

He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

A creditor holding such security as aforesaid, and not complying with the foregoing conditions, shall be excluded from all share in any dividend.

Dividends.

41. *Distribution of dividends.*] The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in bankruptcy, and shall distribute the same accordingly; and in the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

42. *Provision for creditors residing at a distance, &c.*] In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy, the subject of claims not yet determined.

43. *Right of creditor who has not proved debt before declaration of a dividend.*] Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any moneys for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such moneys are made applicable to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

44. *Final dividend.*] When the trustee has converted into money all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realised without needlessly protracting the bankruptcy, he shall declare a final dividend, and give notice of the time at which it will be distributed.

45. *Bankrupt entitled to surplus.*] The bankrupt shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the bankruptcy.

46. *No action for dividend.*] No action or suit for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the court may, if it thinks fit, order the trustee to pay the same, and also to pay out of his own moneys interest thereon for the time that it is withheld, and the costs of the application.

Close of bankruptcy.

47. *Close of bankruptcy.*] When the whole property of

the bankrupt has been realised for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realised without needlessly protracting the bankruptcy, or a composition or arrangement has been completed, the trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the bankrupt has been realised for the benefit of his creditors, or so much thereof as can be realised without needlessly protracting the bankruptcy, or that a composition or arrangement has been completed, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order.

A copy of the order closing the bankruptcy may be published in the *London Gazette*, and the production of a copy of such *Gazette* containing a copy of the order shall be conclusive evidence of the order having been made and of the date and contents thereof.

Discharge of bankrupt.

48. *Order of discharge.*] When a bankruptcy is closed, or at any time during its continuance, with the assent of the creditors testified by a special resolution, the bankrupt may apply to the court for an order of discharge; but such discharge shall not be granted unless it is proved to the court that one of the following conditions has been fulfilled, that is to say, either that a dividend of not less than ten shillings in the pound has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee, or that a special resolution of his creditors has been passed to the effect that his bankruptcy or the failure to pay ten shillings in the pound has, in their opinion, arisen from circumstances for which the bankrupt cannot justly be held responsible, and that they desire that an order of discharge should be granted to him; and the court may suspend for such time as it deems to be just, or withhold altogether, the order of discharge in the circumstances following: namely, if it appears to the court on the representation of the creditors made by special resolution, of the truth of which representation the court is satisfied, or by other sufficient evidence, that the bankrupt has made default in giving up to his creditors the property which he is required by this Act to give up; or that a prosecution has been commenced against him in pursuance of the provisions relating to the punishment of fraudulent debtors, contained in the Debtors Act, 1869, in respect of any offence alleged to have been committed by him against the said Act.

49. *Effect of order of discharge.*] An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any frauds, but it shall release the bankrupt from all other debts proveable under the bankruptcy, with the exception of—

1. Debts due to the Crown:

2. Debts with which the bankrupt stands charged at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless the Commissioners of the Treasury certify in writing their consent to his being discharged therefrom.

An order of discharge shall be sufficient evidence of the bankruptcy, and of the validity of the proceedings thereon, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

50. *Exception of joint debtors.*] The order of discharge shall not release any person who, at the date of the order of adjudication, was a partner with the bankrupt, or was jointly bound or had made any joint contract with him.

Release of trustee.

51. *Release of trustee.*] When the bankruptcy is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release. At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the bank-

ruptcy has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the court for a release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the court and oppose the release of the trustee.

The court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the court thinks just to grant the release of the trustee.

52. *Duty of trustee as to unclaimed dividends and outstanding property.* Unclaimed dividends, and any other moneys arising from the property of the bankrupt, remaining under the control of the trustee at the close of the bankruptcy of any bankrupt, or accruing thereafter, shall be accounted and paid over to such account as may be directed by the rules of court to be made with the sanction of the Treasury; and any parties entitled thereto may claim the same in manner directed by such rules. The trustee shall also deliver a list of any outstanding property of the bankrupt to the prescribed persons, and the same shall, when practicable, be got in and applied for the benefit of the creditors in manner prescribed.

53. *Effect of release of trustee.* The order of the court releasing the trustee of a bankruptcy shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee of such bankrupt; but such order may be revoked by the court on proof that it was obtained by fraud.

Status of undischarged bankrupt.

54. *Status of undischarged bankrupt.* Where a person who has been made bankrupt has not obtained his discharge, then, from and after the close of his bankruptcy, the following consequences shall ensue:—

1. No portion of a debt provable under the bankruptcy shall be enforced against the property of the person so made bankrupt until the expiration of three years from the close of the bankruptcy; and during that time, if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the bankruptcy, make up ten shillings in the pound, he shall be entitled to an order of discharge in the same manner as if a dividend of ten shillings in the pound had originally been paid out of his property;
2. At the expiration of a period of three years from the close of the bankruptcy, if the debtor made bankrupt has not obtained an order of discharge, any balance remaining unpaid in respect of any debt proved in such bankruptcy (but without interest in the meantime) shall be deemed to be a subsisting debt in the nature of a judgment debt, and, subject to the rights of any persons who have become creditors of the debtor since the close of his bankruptcy, may be enforced against any property of the debtor, with the sanction of the court which adjudicated such debtor a bankrupt, or of the court having jurisdiction in bankruptcy in the place where the property is situated, but to the extent only, and at the time and in manner directed by such court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Audit.

55. *Appointment of comptroller.* The trustee having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to an officer to be called the comptroller in bankruptcy, and if he fail to do so he shall be deemed guilty of a contempt of court to be punishable accordingly. The first and any subsequent comptroller shall be appointed by the Lord Chancellor, and hold office during his pleasure, and shall be paid such salary as the Lord Chancellor may, with the sanction of the Treasury, direct. The comptroller shall be provided

with such office in London, and with such officers, clerks, and servants, as may be directed by the Lord Chancellor, with the approval of the Treasury. The officers, clerks, and servants in the office of the comptroller shall be appointed and dismissible by the comptroller, and there shall be allowed and paid to him such sum as the Treasury may from time to time direct for the expenses of his office, and of such clerks and other persons as may be deemed necessary by the Treasury.

56. *Return of accounts to comptroller.* Every trustee of a bankrupt shall from time to time, as may be prescribed, and not less than once in every year during the bankruptcy, transmit to the comptroller a statement showing the proceedings in such bankruptcy up to the date of the statement containing the prescribed particulars, and made out in the prescribed form; and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of a contempt of court, and be punishable accordingly.

57. *Duty of comptroller.* The comptroller shall examine the statements transmitted to him, and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the bankrupt may have sustained by such misfeasance, neglect, or omission. If the trustee fail to comply with such requisition of the comptroller, the comptroller may report the same to the court; and the court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

58. *Powers of comptroller.* The comptroller may at any time require any trustee to answer any inquiry made by him in relation to any bankruptcy in which such trustee is engaged, and may, if he think fit, apply to the court to examine on oath such trustee or any other person concerning such bankruptcy; he may also direct a local investigation to be made of the books and vouchers of the trustees.

PART III.

CONSTITUTION AND POWERS OF COURT.

Description of court.

59. *Court to consist of London court and county courts.* From and after the commencement of this Act the following provisions shall take effect with respect to the courts having jurisdiction in bankruptcy, and their officers; that is to say,

If the person sought to be adjudged a bankrupt reside or carry on business within the London bankruptcy district as hereinafter defined, or be not resident in England, then "the court" shall mean, for the purposes of this Act, the Court of Bankruptcy in London as constituted by this Act, and hereinafter referred to as the London Bankruptcy Court;

If the person sought to be adjudged a bankrupt, being resident in England, do not reside or carry on business within the London bankruptcy district, the "the court" shall, subject to the provisions herein after contained for removing the proceedings, mean the county court of the district in which such person resides or carries on business, hereinafter referred to as the local bankruptcy court.

60. *Definition of the London bankruptcy district.* The London bankruptcy district shall, for the purposes of this Act, comprise the following places; that is to say, the City of London and the liberties thereof, and all such parts of the metropolis and other places as are situated within the district of any county court described as a metropolitan county court in the list contained in the second schedule hereto.

61. *Constitution of the London Bankruptcy Court.* The London Bankruptcy Court shall, from and after the commencement of this Act, consist of a judge, to be called the Chief Judge in Bankruptcy, and, subject to the provisions of this Act, with respect to the officers of the existing London Bankruptcy Court, of such number of registrars not exceeding four, clerks, ushers, and other subordinate officers, as may be determined by the chief judge with the sanction of the Treasury.

Subject to the provisions of this Act with respect to the appointment of the first Chief Judge, the office of Chief Judge in Bankruptcy shall be filled by such one of the

judges of Her Majesty's superior courts of common law or equity as may, with his assent, be assigned to hold such office by the Lord Chancellor; the judge so assigned shall hold the office of Chief Judge in Bankruptcy in addition to the office of judge in the court to which he belongs. Any puisne judge or vice-chancellor appointed to any of the said courts after the passing of this Act shall, when required by the Lord Chancellor, perform the duties of Chief Judge in Bankruptcy.

62. *Appointment of registrars and other officers.*] Subject to the provisions in this Act with respect to the officers of the existing London Bankruptcy Court, the registrars, clerks, ushers, and other subordinate officers thereof shall be appointed by the Chief Judge for the time being, and may be removed by him and others appointed in their stead if the judge is of opinion that they are negligent, unskilful, or untrustworthy in their performance of their duties, or ought in his opinion to be removed for any other just cause.

63. *Salaries of officers.*] Subject as aforesaid, there shall be paid, out of monies provided by Parliament, to the registrars, clerks, ushers, and other subordinate officers such salaries as the Chief Judge with the sanction of the Treasury may determine.

64. *Duties of subordinate officers of court.*] Subject as aforesaid, the registrars, clerks, ushers, and other subordinate officers of the London Bankruptcy Court shall perform such duties as may from time be assigned to them by the Chief Judge with the assent of the Lord Chancellor.

65. *Jurisdiction of the London Court of Bankruptcy.*] The London Court of Bankruptcy shall continue to be a court of law and of equity and a principal court of record, and the Chief Judge in Bankruptcy shall have all the powers, jurisdiction, and privileges possessed by any judge of her Majesty's superior courts of common law at Westminster, or by any judge of her Majesty's High Court of Chancery, and the orders of such judge shall be of the same force as if they were judgments in the superior courts of common law or decrees in the High Court of Chancery. The Chief Judge in Bankruptcy may sit in chambers, and when in chambers shall have the same jurisdiction and exercise the same powers as if sitting in open court.

66. *Jurisdiction of county court judges.*] Every judge of a local court of bankruptcy shall, for the purposes of this Act, in addition to his ordinary powers as a county court judge, have all the powers and jurisdiction of a Judge of her Majesty's High Court of Chancery, and the orders of such judge may be enforced accordingly in manner prescribed.

67. *Powers of court to delegate authority to registrar.*] The Chief Judge in Bankruptcy and every judge of a local court of bankruptcy may, subject and in accordance with the rules of court for the time being in force, delegate to the registrar or to any other officer of his court such of the powers vested in him by this Act as it may be expedient for the judge to delegate to him.

68. *Scale of fees.*] The Lord Chancellor shall, with the sanction of the Treasury, from time to time prescribe a scale of fees to be charged for any business done by any court or officer thereof under this Act; and the Treasury shall direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated, and whether any and what remuneration shall be allowed to any person performing any duties under this Act.

69. *Judges and officers in bankruptcy to be ineligible to sit in Parliament.*] No judge, registrar, or officer having jurisdiction in bankruptcy, or attached to any court having jurisdiction in bankruptcy, shall, during his continuance in office, be capable of being elected or sitting as a member of the House of Commons; and no registrar or officer of such court shall, during his continuance in office, either directly or indirectly, by himself or partner, act as an attorney or solicitor in any proceeding in any bankruptcy in any court of which he is registrar or officer, or in any appeal from such court, or in any prosecution of a bankrupt by order of such court, under pain of dismissal by the judge; and such dismissal shall be in writing, stating the reasons for the same; and a copy thereof shall be sent to the Chief Judge in Bankruptcy, who, if he shall see fit, may reinstate such registrar or officer.

70. *Solicitors of Court of Chancery may practise in Bankruptcy Court.*] Every attorney and solicitor of the superior courts shall be, and may practise as a solicitor of, and in the Court of Bankruptcy, and in matters before the Chief Judge or registrars, in the London Court of Bankruptcy, in court or in chambers, may appear and be heard without being required to employ counsel; and if any person not being such attorney or solicitor practises in the Court of Bankruptcy as attorney or solicitor, he shall be deemed guilty of a contempt of the court.

71. *Appeal from courts.*] Every court having jurisdiction in bankruptcy under this Act may review, rescind, or vary any order made by it in pursuance of this Act. Any person aggrieved by any order of a local Bankruptcy Court in respect of a matter of fact or of law made in pursuance of this Act may appeal to the Chief Judge in Bankruptcy, and it shall be lawful for such judge to alter, reverse, or confirm such order as he thinks just. Any order made by the Chief Judge in Bankruptcy, whether in respect of a matter brought before him on appeal or not, shall be subject to an appeal to the Court of Appeal in Chancery (which court, for the purposes of this Act, shall be and form a court of record, and shall have all the jurisdiction, powers, and authorities of the Court of Bankruptcy, to be exercisable either originally or on appeal, and shall have all the powers and authorities of the Court of Chancery, relative to the trial of questions of fact, by jury, issue, or otherwise), and also, with the leave of the Court of appeal, to the House of Lords, but no appeal shall be entertained under this Act, except in conformity to such rules of court as may for the time being be in force in relation to such appeal.

72. *General power of bankruptcy courts.*] Subject to the provisions of this Act, every court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of bankruptcy coming within the cognizance of such court, or which the court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case; and no such court as aforesaid shall be subject to be restrained in the execution of its powers under this Act by the order of any other court, nor shall any appeal lie from its decisions, except in manner directed by this Act; and if in any proceeding in bankruptcy there arises any question of fact which the parties desire to be tried before a jury instead of by the court itself, or which the court thinks ought to be tried by a jury, the court may direct such trial to be had, and such trial may be had accordingly, in the London Court of Bankruptcy, in the same manner as if it were the trial of an issue in one of the superior courts of common law, and in the county court in the manner in which jury trials in ordinary cases are by law held in such court.

Orders and warrants of court.

73. *Enforcement of warrant and orders of courts.*] Any order made by a court having jurisdiction in bankruptcy in England under this Act shall be enforced in Scotland and Ireland in the courts having jurisdiction in bankruptcy in such countries respectively, in the same manner in all respects as if such order had been made by the courts which are hereby required to enforce the same; and in like manner any order made by the court in Scotland having jurisdiction in bankruptcy shall be enforced in England and Ireland and any order made by the court having jurisdiction in bankruptcy in Ireland shall be enforced in England and Scotland by the courts respectively having jurisdiction in bankruptcy in the division of the United Kingdom where the orders may require to be enforced, and in the same manner in all respects as if such order had been made by the court required to enforce the same in a case of bankruptcy within its own jurisdiction.

74. *Courts in England to be auxiliary to other courts, &c.*] The London Bankruptcy Court, the local bankruptcy court, the courts having jurisdiction in bankruptcy in Scotland and Ireland, and every British court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of such courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of the court seeking aid, together with a request to another of the said courts, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by such order, the like jurisdiction which the court which made

the request, as well as the court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

75. *Examination in Scotland or Ireland.*] Any court having jurisdiction in bankruptcy in England under this Act may, if it thinks fit, order that a person named in the order being in Scotland or in Ireland shall be examined there.

76. *Warrants of bankruptcy courts.*] Any warrant of a court having jurisdiction in bankruptcy in England under this Act may be enforced in Scotland, Ireland, the Isle of Man, the Channel Islands, and elsewhere in Her Majesty's dominions, in the same manner and subject to the same privileges in and subject to which a warrant issued by any justice of the peace against a person for an indictable offence against the laws of England may be executed in such countries respectively in pursuance of the Acts of Parliament in that behalf; and any search warrant issued by a court having jurisdiction in bankruptcy under this Act for the discovery of any property of a bankrupt may be executed in manner prescribed or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

77. *Commitment to prison.*] Where any court having jurisdiction in bankruptcy under this Act commits any person to prison, the commitment may be to such convenient prison as the court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty not exceeding one hundred pounds.

General rules.

78. *General rules to be made by Lord Chancellor with advice of Chief Judge.*] The Lord Chancellor, with the advice of the Chief Judge in Bankruptcy, may from time to time make, and may from time to time revoke and alter, general rules, in this Act described as rules of court, for the effectual execution of this Act, and of the objects thereof, and the regulation of the practice and procedure of bankruptcy petitions and the proceedings thereon.

Any general rules made as aforesaid may prescribe regulations as to the service of bankruptcy petitions, including provisions for substituted service; as to the valuing of any debts provable in bankruptcy; as to the valuation of securities held by creditors; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any rules made in pursuance of the section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting; and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament, and any rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in bankruptcy have heretofore acted in dealing with bankruptcy proceedings shall be observed by any court having jurisdiction in bankruptcy cases under this Act.

Change of jurisdiction by Chancellor.

79. *Change of jurisdiction by Lord Chancellor.*] Notwithstanding anything in this Act contained, the Lord Chancellor may from time to time, by order under his hand, exclude any county court from having jurisdiction in bankruptcy, and for the purposes of bankruptcy jurisdiction may attach its district or any part thereof to any other county court or courts, and may from time to time revoke or alter any order so made.

PART IV.

SUPPLEMENTAL PROVISIONS.

As to proceedings.

80. *Supplemental regulations as to proceedings in bankruptcy.*] The following regulations shall be made with respect to proceedings in bankruptcy; namely,—

1. Every bankruptcy petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition:
2. Where two or more bankruptcy petitions are presented against the same debtor or against debtors being members of the same partnership, the court may consolidate the proceedings, or any of them, upon such terms as the court thinks fit:
3. Where proceedings against the debtor are instituted in more courts than one the London Court of Bankruptcy may, on the application of any creditor, direct the transfer of such proceedings to the London Court of Bankruptcy, or to any local bankruptcy court:
4. Where the petitioner does not proceed with due diligence on his petition the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor:
5. Where the creditors resolve by a special resolution that it will be more convenient that the proceedings in any local bankruptcy court should be transferred to the London Court or to some other local court, or where the judge of a local court certifies that in his opinion the bankruptcy would be more advantageously conducted in the London Court or in some other local court, and the creditors do not by resolution object to the transfer, the petition shall be transferred to and all subsequent proceedings thereon had in the London Court or such other local court:
6. Subject to the provisions of this Act, every court having original jurisdiction in bankruptcy shall be deemed to be the same court, and to have jurisdiction throughout England; and cases may be transferred from one court to another in such manner as may be prescribed:
7. A corporation may prove a debt, vote, and otherwise act in bankruptcy, by an agent duly authorised under the seal of the corporation:
8. A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him:
9. When a debtor who has been adjudicated a bankrupt dies, the court may order that the proceedings in the matter be continued as if he were alive:
10. The court may, at any time, on proof to its satisfaction that proceedings in bankruptcy ought to be stayed, by reason that negotiations are pending for the liquidation of the affairs of the bankrupt by arrangement or for the acceptance of a composition by the creditors in pursuance of the provision herein-after contained, or on proof to its satisfaction of any other sufficient reason for staying the same, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just.
81. *Consequences of annulling of adjudication.*] Whenever any adjudication in bankruptcy is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the court, shall be valid, but the property of the debtor who was adjudged a bankrupt shall in such case vest in such person as the court may appoint, or in default of any such appointment revert to the bankrupt for all his estate or interest therein upon such terms and subject to such conditions, if any, as the court may declare by order. A copy of the order of the court annulling the adjudication of a debtor as a bankrupt shall be forthwith published in the London Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same.
82. *Formal defects not to invalidate proceedings.*] No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or

irregularity, and that such injustice cannot be remedied by any order of such court.

As to trustees and committee of inspection.

83. *Regulations as to trustees, &c.*] The following regulations shall be made with respect to the trustee and committee of inspection:—

1. The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare whether any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt. The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee:
2. If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the registrar on the requisition of any creditor:
3. If, through any cause whatever, there is no trustee acting during the continuance of a bankruptcy, the registrar of the court for the time being having jurisdiction in the bankruptcy shall act as such trustee:
4. The court may, upon cause shown, remove any trustee. The creditors may, by special resolution at a meeting specially called for that purpose, of which seven days notice has been given, remove the trustee and appoint another person to fill his office, and the court shall give a certificate declaring him to be the trustee:
5. If a trustee be adjudged bankrupt, he shall cease to be trustee, and the registrar shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place.
6. The property of the bankrupt shall pass from trustee to trustee, including under that term the registrar when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:
7. The trustee of a bankrupt may sue and be sued by the official name of "the trustee of the property of—, a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office:
8. The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of the British dominions requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly:
9. All acts and things by this Act authorized or required to be done by or to the registrar may be done within the district of each court having jurisdiction in bankruptcy by or to the registrar of that court:
10. Any member of the committee of inspection may resign his office by notice in writing signed by him, and delivered to the trustee:
11. The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection:
12. Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:
13. On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy:
14. The continuing members of the committee of inspection may act, notwithstanding any vacancy in their

body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

15. No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act *bona fide* done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection.
16. If a member of the committee of inspection become a bankrupt his office shall thereupon become vacant.
17. Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorised or required to be done or given by such committee may be done or given by the court on the application of the trustee.

84. *Power of court, on failure of creditors, to appoint trustee.*] The registrar may adjourn the first meeting of creditors from time to time and from place to place, subject to the directions of the court; but if, at such first meeting of creditors or at some adjournment thereof, no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the court may annul the adjudication, unless it deems it expedient to carry on the bankruptcy with the aid of the registrar as trustee. Moreover, if at any time during the bankruptcy no new trustee is appointed to fill a vacancy in that office, the court may either carry on the bankruptcy with the aid of the registrar as trustee or annul the order of adjudication, as it thinks just.

As to power over bankrupt.

85. *Post letters addressed to bankrupt.*] The court, upon the application of the trustee, may from time to time order that, for such time as the court thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the bankrupt at any place or any of the places mentioned in the order, shall be re-directed, sent, or delivered by the Postmaster-General or the officers acting under him, to the trustee or otherwise as the court directs, and the same shall be done accordingly.

86. *Arrest of bankrupt under certain circumstances.*] The court may, by warrant addressed to any constable or prescribed officer of the court, cause a debtor to be arrested, and any books, papers, moneys, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court may order under the following circumstances:

1. If, after a petition of bankruptcy is presented against such debtor, it appear to the court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy:
2. If, after a petition in bankruptcy has been presented against such debtor, it appear to the court that there is probable cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy:
3. If, after the service of the petition on such debtor, or after an adjudication in bankruptcy against him, he remove any goods or chattels in his possession above the value of £5, without the leave of the trustee, or if, without good cause shown, he fails to attend any examination ordered by the court.

As to property devolving on trustee.

87. *Proceeds of sale and seizure of goods.*] Where the goods of any trader have been taken in execution in respect of a judgment for a sum exceeding £50 and sold, the sheriff, or in the case of a sale under the direction of the county court, the high bailiff or other officer of the county court, shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served

on him within that period of a bankruptcy petition having been presented against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee; but if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged a bankrupt on such petition, or on any other petition of which the sheriff, high bailiff, or other officer has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of a bankruptcy petition been served on him.

88. *Sequestration of ecclesiastical benefice.*] When a bankrupt is a beneficed clergyman, the trustee may apply for a sequestration of the profits of the benefice, and the certificate of the appointment of the trustee shall be sufficient authority for the granting of sequestration without any writ or other proceeding, and the same shall accordingly be issued as on a writ of *levari facias* founded on a judgment against the bankrupt, and shall have priority over any other sequestration issued after the commencement of the bankruptcy, except a sequestration issued before the date of the order of adjudication by or on behalf of a person who at the time of the issue thereof had not notice of an act of bankruptcy committed by the bankrupt, and available against him for adjudication; but the sequestrator shall allow out of the profits of the benefice to the bankrupt while he performs the duties of the parish or place, such an annual sum, payable quarterly, as the bishop of the diocese in which the benefice is situate directs; and the bishop may appoint to the bankrupt such or the like stipend as he might by law have appointed to a curate duly licensed to serve the benefice in case the bankrupt had been non-resident.

89. *Appropriation of portion of pay of officers to creditors.*] Where a bankrupt is or has been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, or is in the enjoyment of any pension or compensation granted by the Treasury, the trustee during the bankruptcy, and the registrar after the close of the bankruptcy, shall receive for distribution amongst the creditors so much of the bankrupt's pay, half pay, salary, emolument, or pension as the court, upon the application of the trustee, thinks just and reasonable, to be paid in such manner and at such times as the court, with the consent in writing of the chief officer of the department under which the pay, half pay, salary, emolument, pension, or compensation is enjoyed, directs.

90. *Appropriation of portion of salary to creditors.*] Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the court upon the application of the trustee shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee during the bankruptcy, and to the registrar if necessary after the close of the bankruptcy, to be applied by him in such manner as the Court may direct.

91. *Avoidance of voluntary settlements.*] Any settlement of property made by a trader not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of such settlement, be void as against the trustee of the bankrupt appointed under this Act, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee: Any covenant or contract made by a trader, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming bankrupt before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his trustee appointed under this Act.

"Settlement" shall for the purposes of this section include any conveyance or transfer of property.

92. *Avoidance of fraudulent preferences.*] Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own moneys in favour of any creditor or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying, or suffering the same become bankrupt within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee of the bankrupt appointed under this Act; but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

93. *Payment of money by agents to trustee.*] Any treasurer or other officer, or any banker, attorney, or agent of a bankrupt, shall pay and deliver to the trustee all moneys and securities in his possession or power, as such officer or agent, if he be not by law entitled to retain as against the bankrupt or the trustee; if he do not he shall be guilty of a contempt of court, and may be punished accordingly on the application of the trustee.

94. *Protection of certain transactions with bankrupt.*] Nothing in this Act contained shall render invalid,—

1. Any payment made in good faith and for value received to any bankrupt before the date of the order of adjudication by a person not having at the time of such payment notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.
2. Any payment or delivery of money or goods belonging to a bankrupt, made to such bankrupt by a depositary of such money or goods before the date of the order of adjudication, who had not at the time of such payment or delivery notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.
3. Any contract or dealing with any bankrupt, made in good faith and for valuable consideration, before the date of the order of adjudication, by a person not having, at the time of making such contract or dealing, notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

95. *Protection of certain transactions entered into by or in relation to the property of the bankrupt.*] Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods of a trader, and to the provisions of this Act avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, payments, and judicial proceedings, the following transactions by and in relation to the property of a bankrupt shall be valid, notwithstanding any prior act of bankruptcy,—

1. Any disposition or contract with respect to the disposition of property by conveyance, transfer, charge, delivery of goods, payment of money, or otherwise howsoever, made by any bankrupt in good faith and for valuable consideration, before the date of the order of adjudication, with any person not having at the time of the making of such disposition of property notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:
2. Any execution or attachment against the land of the bankrupt, executed in good faith by seizure before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being so executed by seizure notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:
3. Any execution or attachment against the goods of any bankrupt, executed in good faith by seizure and sale before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being executed by seizure and sale notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

As to discovery of bankrupt's property.

96. *Power of court to summon persons before it suspected of having property of bankrupt.*] The court may, on the appli-

cation of the trustee, at any time after an order of adjudication has been made against a bankrupt, summon before it the bankrupt or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the bankrupt, or supposed to be indebted to the bankrupt, or any person whom the court may deem capable of giving information respecting the bankrupt, his trade dealings or property, and the court may require any such person to produce any documents in his custody or power relating to the bankrupt, his dealings or property; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the court at the time of its sitting and allowed by it, the court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination.

97. *Examination of parties by court.*] The court may examine upon oath, either by word of mouth or by written interrogatories, any person so brought before it in manner aforesaid concerning the bankrupt, his dealings or property.

98. *Order of court for payment of amount admitted on examination.*] If any person on examination before the court admit he is indebted to the bankrupt, the court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

99. *Seizure of property of bankrupt.*] Any person acting under warrant of the court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession, or in that of any other person, and with a view to such seizure may break open any house, building, or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the court, who may execute the same according to the tenor thereof.

Joint and separate estates.

100. *Power to present petition against one partner.*] Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present such petition against any one or more partners of such firm without including the others.

101. *Power to dismiss petition against some respondents only.*] Where there are more respondents than one to a petition, the court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

102. *Property of partners to be vested in same trustee.*] Where one member of a partnership has been adjudicated a bankrupt, any other petition for adjudication against a member of the same partnership shall be filed in or transferred to the court in which the first-mentioned petition is in course of prosecution, and, unless the court otherwise directs, the property of such last-mentioned member shall vest in the trustee appointed in respect of the property of the first mentioned member of the partnership, and the court may give such directions for amalgamating the proceedings in respect of the properties of the members of the same partnership as it thinks just.

103. *Joint creditor may prove for purpose of voting.*] If one partner of a firm is adjudged bankrupt, any creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

104. *Joint and separate dividends.*] Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the court on the application of any person interested, be declared together; and the

expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

105. *Suits by trustee and bankrupt's partners.*] Where a member of a partnership is adjudged bankrupt, the court may authorise the trustee, with consent of the creditors, certified by a special resolution, to commence and prosecute any action or suit in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action or suit relates shall be void; but notice of the application for authority to commence the action or suit shall be given to such partner, and he may show cause against it, and on his application the court may if it thinks fit direct that he shall receive his proper share of the proceeds of the action or suit, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the court directs.

Evidence.

106. *Evidence of proceedings at meeting of creditors.* The registrar, or any other person presiding at a meeting of creditors under this Act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting, and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

107. *Evidence of proceedings in bankruptcy.*] Any petition or copy of a petition in bankruptcy, any order or copy of an order made by any court having jurisdiction in bankruptcy, any certificate or copy of a certificate made by any court having jurisdiction in bankruptcy, any deed or copy of a deed of arrangement in bankruptcy, and any other instrument or copy of an instrument, affidavit, or document made or used in the course of any bankruptcy proceedings or other proceedings had under this Act, may, if any such instrument as aforesaid or copy of an instrument appears to be sealed with the seal of any court having jurisdiction, or purports to be signed by any judge having jurisdiction in bankruptcy under this Act, be receivable in evidence in all legal proceedings whatever.

108. *Death of witness.*] In case of the death of the bankrupt or his wife, or of a witness whose evidence has been received by any court, in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposited to.

109. *Bankruptcy courts to have seals.*] Every court having jurisdiction in bankruptcy under this Act shall have a seal describing such court in such manner as may be directed by order of the Lord Chancellor, and judicial notice shall be taken of such seal, and of the signature of the judge or registrar of any such court, in all legal proceedings.

Miscellaneous.

110. *Expenses of registrar attending meetings, &c.*] Where a registrar under the authority of this Act attends at any place for the purpose of presiding at a meeting of creditors, or of receiving proofs, or of otherwise acting under this Act, his travelling and incidental expenses incurred in so doing, and those of any clerk or officer attending him, shall, after being settled by the court, be paid out of the bankrupt's property, if sufficient, and otherwise shall be deemed part of the expenses of the court.

111. *Power of assignee to sue.*] Any person to whom anything in action belonging to the bankrupt is assigned in pursuance of this Act may bring or defend any action or suit relating to such thing in action in his own name.

112. *Saving as to joint contracts.*] Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract, without the joinder of the bankrupt.

113. *Exemption of deeds, &c., from stamp duty.*] Every deed, conveyance, assignment, surrender, admission, or other as-

insurance relating solely to freehold, leasehold, copyhold, or customary property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in any real or personal property which is part of the estate of any bankrupt, and which after the execution of such deed, conveyance, assignment, surrender, admission, or other assurance, either at law or in equity, is or remains the estate of the bankrupt or of the trustee under the bankruptcy, and every power of attorney, proxy paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any bankrupt, or to any proceeding under any bankruptcy, shall be exempt from stamp duty (except in respect of fees under this Act).

114. *Computation of time.*] Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas-day, Good Friday, or Monday or Tuesday in Easter week, or a day appointed for public fast, humiliation, or thanksgiving, or a day on which in pursuance of a notification by the Lord Chancellor under this Act, the court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

115. *Returns by bankruptcy officer.*] The registrars and other officers of the courts acting in bankruptcy shall make to the comptroller in bankruptcy such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed by the rules of court, and from such returns the comptroller shall, in manner prescribed by the rules of court, frame books (which shall be, under the regulations of the rules of court, open for public information and searches), and also a general annual report to the Lord Chancellor, judicial and financial, respecting all matters within this Act, which report shall be laid before both Houses of Parliament.

116. *Forfeiture of dividends after five years' non-claim.*] Where any dividends remain unclaimed for five years then and in every such case the same shall be deemed vested in the Crown, and shall be disposed of as the commissioners of her Majesty's Treasury direct; provided, that at any time after such vesting the Lord Chancellor or any court authorised by him may, by reason of the disability or absence beyonds seas of the person entitled to the sum so vested, or for any other reason appearing to him sufficient, direct that the said sum shall be repaid out of money provided by Parliament.

117. *Removal of bankrupt from trusteeship.*] Where a bankrupt is a trustee within the Trustee Act, 1850, section 32 of that Act shall have effect so as to authorise the court to appoint a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears to the court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

118. *Saving as to debts contracted prior to August, 1861.*] No person, not being a trader, shall be adjudged a bankrupt in respect of a debt contracted before the date of the passing of the Bankruptcy Act, 1861.

119. *Construction of Acts mentioning commission of bankruptcy, &c.*] Where in any Act of Parliament, instrument, or proceeding passed, executed, or taken before the commencement of this Act mention is made of a commission of bankruptcy or fiat in bankruptcy, the same shall be construed, with reference to the proceedings under a petition for adjudication of bankruptcy, as if a commission of or a fiat in bankruptcy had been actually issued at the time of the presentation of such petition.

PART V.

PERSONS HAVING PRIVILEGE OF PARLIAMENT.

120. *Privilege of Parliament not to benefit in bankruptcy.*] If a person having privilege of Parliament commits an act of bankruptcy he may be dealt with under this Act in like manner as if he had not such privilege.

121. *Vacating of seat in House of Commons.*] If a person, being a member of the Commons House of Parliament, is adjudged bankrupt, he shall be and remain during one year from the date of the order of adjudication incapable of sitting and voting in that House, unless within that time either the order is annulled or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered, for the purpose of this section, as paid or satisfied if within the time aforesaid he enters into a bond, in such sum and with such sureties as the court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning such debts, together with any costs to be given in such proceedings.

122. *Certificate of bankruptcy to be given by the court to the Speaker.*] If within the time aforesaid the order of adjudication is not annulled, and the debts of the bankrupt are not fully paid or satisfied as aforesaid, then the court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant.

123. *Speaker to issue new writ.*] Where the seat of a member so becomes vacant the Speaker during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving such certificate, cause notice thereof to be published in the *London Gazette*; and after the expiration of six days after such publication shall (unless the House has met before that day, or will meet on the day of the issue,) issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

124. *Provisions of 24 Geo. 3, s. 2, c. 26, extended to case of bankruptcy.*] The powers of the Act of the 24 Geo. 3, c. 26, "to repeal so much of two Acts made in the tenth and fifteenth years of the reign of his present Majesty as authorises the Speaker of the House of Commons to issue his warrant to the clerk of the Crown for making out writs for the election of members to serve in Parliament in the manner therein mentioned; and for substituting other provisions for the like purposes," so far as such powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker, or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants under the like circumstances and conditions, for the election of a member in the room of any bankrupt member whose seat becomes vacant under this Act.

PART VI.

LIQUIDATION BY ARRANGEMENT.

Regulations.

125. *Regulations as to liquidation by arrangement.*] The following regulations shall be made with respect to the liquidation by arrangement of the affairs of the debtor:

1. A debtor unable to pay his debts may summon a general meeting of his creditors, and such meeting may, by a special resolution as defined by this Act, declare that the affairs of the debtor are to be liquidated by arrangement and not in bankruptcy, and may at that or some subsequent meeting, held at an interval of not more than a week, appoint a trustee, with or without a committee of inspection.
2. All the provisions of this Act relating to a first meeting of creditors, and to subsequent meetings of creditors in the case of a bankruptcy, including the description of creditors entitled to vote at such meetings, and the debts in respect of which they are entitled to vote, shall apply respectively to the first meeting of creditors, and to subsequent meetings of creditors, for the purposes of this section, subject to the following modifications:
 - (a.) That every such meeting shall be presided over by such chairman as the meeting may elect; and
 - (b.) That no creditor shall be entitled to vote until he

- has proved by a statutory declaration a debt provable in bankruptcy to be due to him, and the amount of such debt, with any prescribed particulars; and any person wilfully making a false declaration in relation to such debt shall be guilty of a misdemeanour.
3. The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the meeting at which the special resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meetings some one on his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom his debts are due.
 4. The special resolution, together with the statement of the assets and debts of the debtor, and the name of the trustee appointed, and of the members, if any, of the committee of inspection, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, but if satisfied that it was so passed, and that a trustee has been appointed with or without a committee of inspection, he shall forthwith register the resolution and the statement of the assets and debts of the debtor, and such resolution and statement shall be open for inspection on the prescribed conditions, and the liquidation by arrangement shall be deemed to have commenced as from the date of the appointment of the trustee.
 5. All such property of the debtor as would, if he were made bankrupt, be divisible amongst his creditors shall, from and after the date of the appointment of a trustee, vest in such trustee under a liquidation by arrangement, and be divisible amongst the creditors, and all such settlements, conveyances, transfers, charges, payments, obligations, and proceedings as would be void against the trustee in the case of a bankruptcy shall be void against the trustee in the case of liquidation by arrangement.
 6. The certificate of the registrar in respect of the appointment of any trustee in the case of a liquidation by arrangement shall be of the same effect as a certificate of the court to the like effect in the case of a bankruptcy.
 7. The trustee under a liquidation shall have the same powers, and perform the same duties, as a trustee under a bankruptcy, and the property of the debtor shall be distributed in the same manner as in a bankruptcy; and with the modification herein-after mentioned all the provisions of this Act shall, so far as the same are applicable, apply to the case of a liquidation by arrangement in the same manner as if the word "bankrupt" included a debtor whose affairs are under liquidation, and the word "bankruptcy" included liquidation by arrangement; and in construing such provisions the appointment of a trustee under a liquidation shall, according to circumstances, be deemed to be equivalent to and a substitute for the presentation of a petition in bankruptcy, or the service of such petition or an order of adjudication in bankruptcy.
 8. The creditors at their first or any general meeting may prescribe the bank into which the trustee is to pay any moneys received by him, and the sum which he may retain in his hands.
 9. The provisions of this Act with respect to the close of the bankruptcy, discharge of a bankrupt, to the release of the trustee, and to the audit of accounts by the comptroller shall not apply in the case of a debtor whose affairs are under liquidation by arrangement; but the close of the liquidation may be fixed, and the discharge of the debtor and the release of the trustee may be granted by a special resolution of the creditors in general meeting, and the accounts may be audited in pursuance of such resolution, at such time and in such manner and upon such terms and conditions as the creditors think fit.
 10. The trustee shall report to the registrar the discharge of the debtor, and a certificate of such discharge given by the registrar shall have the same effect as an order of discharge given to a bankrupt under this Act.
 11. Rules of court may be made in relation to proceedings on the occasion of liquidation by arrangement in the same manner and to the same extent and of the same authority as in respect of proceedings in bankruptcy.
 12. If it appear to the court on satisfactory evidence that the liquidation by arrangement cannot, in consequence of legal difficulties, or of there being no trustee for the time being, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.
 13. Where no committee of inspection is appointed the trustee may act on his own discretion in cases where he would otherwise have been bound to refer to such committee.
 14. In calculating a majority on a special resolution for the purposes of this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number.

PART VII.

COMPOSITION REGULATIONS WITH CREDITORS.

Regulations.

126. *Regulations as to composition by creditors.* The creditors of a debtor unable to pay his debts may, without any proceedings in bankruptcy, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

An extraordinary resolution of creditors shall be a resolution which has been passed by a majority in number and three-fourths in value of the creditors of the debtor, assembled at a general meeting to be held in the manner prescribed, of which notice has been given in the prescribed manner, and has been confirmed by a majority in number and value of the creditors assembled at a subsequent general meeting of which notice has been given in the prescribed manner, and held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which such resolution was first passed.

In calculating a majority for the purposes of a composition under this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number, and the value of the debts of secured creditors shall, as nearly as circumstances admit, be estimated in the same way, and the same description of creditors shall be entitled to vote at such general meetings as in bankruptcy.

The debtor, unless prevented by sickness or other cause satisfactory to such meetings, shall be present at both the meetings at which the extraordinary resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meetings some one on his behalf, shall produce to the meetings a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

The extraordinary resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, and if satisfied that it has been so passed he shall forthwith register the resolution and statement of assets and debts, but until such registration has taken place such resolution shall be of no validity; and any creditor of the debtor may inspect such statement at prescribed times, and on payment of such fee, if any, as may be prescribed.

The creditors may, by an extraordinary resolution, add to or vary the provisions of any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation; and any such extraordinary resolution shall be presented to the registrar in the same manner and with the same consequences as the extraordinary resolution by which the composition was accepted in the first instance.

The provisions of a composition accepted by an extraordinary resolution in pursuance of this section shall be binding on all the creditors whose names and addresses, and the amount of the debts due to whom, are shown in the statement of the debtor, produced to the meetings at which the resolution has passed, but shall not affect or prejudice the rights of any other creditor.

Where a debt arises on a bill of exchange or promissory note, if the debtor is ignorant of the holder of any such bill

of exchange or promissory note, he shall be required to state the amount of such bill or note, the date on which it falls due, the name of the acceptor or person to whom it is payable, and any other particulars within his knowledge respecting the same, and the insertion of such particulars shall be deemed a sufficient description of the creditor of the debtor in respect of such debt, and any mistake made inadvertently by a debtor in the statement of his debts may be corrected after the prescribed notice has been given, with the consent of a general meeting of his creditors.

The provisions of any composition made in pursuance of this section may be enforced by the court on a motion made in a summary manner by any person interested, and any disobedience of the order of the court made on such motion shall be deemed to be a contempt of court.

Rules of court may be made in relation to proceedings on the occasion of the acceptance of a composition by an extraordinary resolution of creditors in the same manner and to the same extent and of the same authority as in respect of proceedings in bankruptcy.

If it appear to the court on satisfactory evidence that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor the court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.

127. *Registration of resolutions of creditors conclusive in certain cases.* The registration by the registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under Part VI. of this Act, or of an extraordinary resolution of the creditors on the occasion of a composition under the seventh part of this Act, shall, in the absence of fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this Act in respect of such resolutions complied with.

PART VIII.

TEMPORARY PROVISIONS.

Bankruptcy Court.

123. *Commissioners of London Bankruptcy Court to cease to hold offices.* Such one of the present commissioners of the London Bankruptcy Court as may be chosen by her Majesty shall be the first chief judge in the London Bankruptcy Court as constituted under this Act, and shall, as to tenure of office, salary, pension, and all other privileges except his title, continue in the same position in all respects as if his office had not been abolished by this Act; but, save as aforesaid from and after the commencement of this Act the present commissioners of the London Bankruptcy Court shall cease to hold their offices.

129. *Transfer of officers of existing court to new Court of Bankruptcy.* The chief registrar, registrars, accountant in bankruptcy, taxing masters, official assignees, messengers, and all other officers holding offices or employed in the existing London Bankruptcy Court, herein called the old London Bankruptcy Court, at the commencement of this Act, shall, unless the Lord Chancellor otherwise directs, be attached to the London Bankruptcy Court as constituted under this Act herein called the new London Bankruptcy Court. The officers so attached shall have the same relative rank, hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries as heretofore. The Lord Chancellor may by order make provision for winding up such portion of the business pending in the said old Bankruptcy Court as cannot conveniently be transferred to the new Bankruptcy Court, and for transferring to such last mentioned court any business capable of being conveniently transferred, and every officer attached to such last mentioned court shall conform to any order so made by the Lord Chancellor. The Lord Chancellor may by order distribute the business to be performed in the said new Bankruptcy Court amongst the several officers attached thereto in such manner as he may think just, and such officers shall perform such duties in relation to such business as may be directed by the Lord Chancellor, with this qualification that the duties required to be performed by them shall be the same or duties analogous to those which they have hitherto performed in the old Bankruptcy Court. The Lord Chancellor may at any time by order release from the performance of any duties in the new Bankruptcy Court any officer of the old Bankruptcy Court whose services he may deem unnecessary, and the office held by such person shall be deemed to

be abolished unless it be an office required to be continued in pursuance of the provisions of this Act relating to the constitution of the new Bankruptcy Court. Any person so released shall, whether his office be altogether abolished or not, be entitled to compensation in the same manner in all respects as if his office had been abolished.

130. *Abolition of country district courts of bankruptcy.* From and after the commencement of this Act the country district courts of bankruptcy shall be abolished, and the commissioners, registrars, official assignees, messengers, ushers, clerks, and officers of the said courts respectively shall cease to hold their offices.

Such part of the business pending in any country district court of bankruptcy as the Lord Chancellor thinks fit shall be disposed of by the registrar of that court, (who shall for that purpose continue to have and discharge all his powers and authorities, rights and duties,) and the residue of that business shall be transferred to the London Bankruptcy Court, or to such county court or county courts as the Lord Chancellor, by order before or after its abolition, thinks fit to direct; but, subject as aforesaid, the office of any registrar in such country district court shall be abolished.

All books, papers, documents, and money in the custody or control of any such commissioners, registrars, official assignees, messengers, ushers, clerks, and officers, as such, shall be transferred to such courts or persons as the Lord Chancellor may direct. The Lord Chancellor shall also by order declare the person or persons in whom any property vested in any official assignee or other officer as such of any country district court hereby abolished is to vest, and such property shall vest accordingly.

131. *Compensation to officers.* The Commissioners of her Majesty's Treasury may, on the petition of any person whose office or employment is abolished by or under this Act, on the commencement of this Act; or on any other event, inquire whether any, and, if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office or employment, and the duration of his service; and if they think that his claim to compensation is established, may award to him, out of moneys to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable; provided that when any such person held his office during good behaviour, or during good behaviour subject only to removal by the Lord Chancellor by order, for some sufficient reason to be stated in such order, the Lord Chancellor may, with the approval of the Commissioners of the Treasury, award under special circumstances an amount equal to the salary of any such person; and in every other case the sum awarded shall not be less than two-thirds of the salary of such person.

132. *Persons to be selected whose office is abolished by Act.* Every person appointed to any office or employment created by this Act shall in the first instance be selected from the persons whose office or employment is abolished by this Act, unless, in the opinion of the Lord Chancellor, none of the last-mentioned persons are fit for such office or employment.

133. *Subsequent appointment to be notified to the Treasury.* When any subsequent vacancy occurs in any office or employment created by this Act, and such vacancy is not filled up by the appointment of a person in the receipt of compensation under this Act, no permanent appointment shall be made until notice of the vacancy has been given to the Treasury, and until the Lord Chancellor has determined that no person in receipt of compensation under this Act is fit for such office or employment.

134. *Nominations to be by Lord Chancellor.* The Lord Chancellor may nominate or appoint any commissioner whose office has been abolished under this Act to some other judicial office of equal or greater salary for which he may be deemed fit by the Lord Chancellor, and to which he is entitled to nominate or appoint, and may nominate or appoint any other person whose office or employment has been abolished by this Act, whom he may deem fit to fill a vacancy in any office or employment created by this Act, of equal or greater salary, to which he is entitled to nominate or appoint, provided that the person appointed be in the receipt of compensation or superannuation allowance equal to the amount of his salary at the time of the abolition of his office. And if the commissioner or other person so

nominated or appointed declines to accept such office or employment, or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the compensation or superannuation allowance which may have been granted to him, or which he might otherwise be entitled to receive, unless he shall satisfy the Lord Chancellor that the office is one not suitable to his position, regard being had to his former office.

135. *Acceptance of public employment by annuitants.* If any person to whom a compensation annuity is granted under this Act accepts any public employment he shall, during the continuance of that employment, receive only so much (if any) of that annuity as, with the remuneration of that employment, will amount to a sum not exceeding the salary or emoluments in respect of the loss whereof the annuity was awarded, and if the remuneration of that employment is equal to or greater than such salary or emoluments the annuity shall be suspended so long as he received, that remuneration.

136. *Superannuation of registrars, &c.* The registrars, clerks, and other persons holding their offices at the passing of this Act who may be continued in their offices, shall, on their retirement therefrom, be allowed such superannuation as they would have been entitled to receive if this Act had not been passed, and they had continued in their offices under the existing Acts; and any other registrar, officer, or person appointed to any office under this Act may be allowed superannuation in pursuance of the provisions of the Superannuation Act of 1859.

SCHEDULE I.

Description of traders.

Alum makers, apothecaries, auctioneers, bankers, bleachers, brokers, brickmakers, builders, calenderers, carpenters, carriers, cattle or sheep salesmen, coach proprietors, cow-keepers, dyers, fullers, keepers of inns, taverns, hotels, or coffee houses, limeburners, livery-stable keepers, market gardeners, millers, packers, printers, sharebrokers, ship-owners, shipwrights, stockbrokers, stockjobbers, victuallers, warehousemen, wharfingers, persons using the trade or profession of a scrivener, receiving other men's moneys or estates into their trust or custody, persons insuring ships or their freight or other matters against perils of the sea, persons using the trade of merchandize by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities: but a farmer, grazier, common labourer, or workman for hire shall not, nor shall a member of any partnership, association, or company which cannot be adjudged bankrupt under this Act, be deemed as such a trader for the purposes of this Act.

SCHEDULE II.

List of metropolitan county courts.

The Bloomsbury County Court of Middlesex.
The Bow County Court of Middlesex.
The Brompton County Court of Middlesex.
The Clerkenwell County Court of Middlesex.
The Lambeth County Court of Surrey.
The Marylebone County Court of Middlesex.
The Shoreditch County Court of Middlesex.
The Southwark County Court of Surrey.
The Westminster County Court of Middlesex.
The Whitechapel County Court of Middlesex.

CAP. LXXII.

An Act to amend the Drainage and Improvement of Lands (Ireland) Act, 1863, and to afford further facilities for the purposes thereof.

[9th August, 1869.]

CAP. LXXIII.

An Act to alter and amend the Telegraph Act, 1868.

[9th August, 1869.]

1. *Short title.*

2. 31 & 32 Vict. c. 110, and this Act to form one.

3. *Interpretation of terms.*

4. *The Postmaster General to have exclusive privilege of sending messages, with certain exceptions.*

5. *Exceptions.*

6. *Penalty on contravention of Act.*

7. *Purchase of undertakings other than those referred to in the Act of 1868.*

8. *Certain companies may require the Postmaster General to purchase their undertakings.*

9. *Postmaster General not required to purchase undertakings without the United Kingdom.*

10. *Incorporation of Lands Clauses Consolidation Act, 1845.*

11. *Purchase money to be paid into the bank in certain events.*

12. *Power to Postmaster General to transmit foreign messages.*

13. *Power to raise money.*

14. *Moneys to be placed at the disposal of the Postmaster General under regulations.*

15. *Creation of terminable annuities.*

16. *Exchequer bills and bonds.*

17. *Capital stocks created under this Act to be consolidated with other stocks.*

18. *Treasury empowered to raise £7,000,000.*

19. *Application of revenue.*

20. *Annual accounts to be laid before Parliament.*

21. *Regulations to be laid before Parliament.*

22. *Deeds to be exempt from stamp duty.*

23. *Messages to be deemed post letters.*

24. *The provisions of Telegraph Acts to be "Post Office Laws."*

CAP. LXXIV.

An Act to extend the period for the repayment of advances of public money for the construction of certain public works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said commissioners lands and premises held on public trusts.

[9th August, 1869.]

CAP. LXXV.

An Act to regulate and extend the jurisdiction of her Majesty's consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the slave trade, and for other purposes relating thereto.

[9th August, 1869.]

CAP. LXXVI.

An Act for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the royal arsenals and dockyards and the harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced.

[9th August, 1869.]

CAP. LXXVII.

An Act for making better provision for the erection of a lighthouse on the Great Basses Rock in the Colony of Ceylon, and for other purposes connected therewith.

[9th August, 1869.]

CAP. LXXVIII.

An Act to amend the law relating to criminal lunatics.

[9th August, 1869.]

30 & 31 Vict. c. 12.] Whereas by the sixth section of the Criminal Lunatics Act, 1867, it is enacted, "that where the term of punishment awarded to any criminal lunatic confined in any asylum or other place of confinement for criminal lunatics expires before such evidence of his sanity

has been given as justifies his being discharged, such consequences shall ensue as are therein-after mentioned." And whereas doubts are entertained whether such section extends to criminal lunatics whose terms of punishment have expired previously to the passing of the said Act, and it is expedient to remove such doubts :

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Criminal Lunatics Act, 1869."

2. *Application of section 6 of 30 & 31 Vict. c. 12.*] It is hereby declared that the sixth section of the Criminal Lunatics Act, 1867, does apply and shall be deemed to have applied from the date of the passing thereof to criminal lunatics whose terms of punishment expired before the date of the passing of such Act in the same manner, so far as circumstances admit, as if their terms of punishment had expired subsequently to the passing of such Act, and all orders made and acts done previously to the passing of this Act in respect of or to criminal lunatics whose terms of punishment expired before the passing of the said Criminal Lunatics Act, 1867, shall be valid accordingly; but no parish or place upon which any order may have been or shall be made for, or which shall be otherwise charged with, the maintenance of any criminal lunatic under the sixth section of the said Act, shall be liable to make good or refund any sum of money which may have been theretofore expended by any other parish or place on account of the maintenance of such lunatic.

CAP. LXXIX.

An Act to enable corporate and other public bodies in Ireland to grant superannuation allowances to officers in their service in certain cases.

[9th August, 1869.]

CAP. LXXX.

An Act to amend the Militia (Ireland) Act, 1854, as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the militia when not embodied.

[9th August, 1869.]

CAP. LXXXI.

An Act to amend the Volunteer Act, 1863.

[9th August, 1869.]

1. *Short title.*

2. *This Act to be construed with 26 & 27 Vict. c. 65.*

3. *Remedy for non-delivery of arms, &c., on demand.*

4. *Mode of making demand.*

5. *Wrongful pawning of arms, &c., by volunteers.*

6. *Appearance of commanding officer by adjutant, &c.*

CAP. LXXXII.

An Act to amend the Metropolitan Building Act, 1855.

[9th August, 1869.]

Whereas by the Metropolitan Building Act, 1855, various powers for the regulation and supervision of buildings in the metropolis are given to the Metropolitan Board of Works :

And whereas by Part II. of the said Act certain powers over dangerous structures are given to the Commissioners of Police of the metropolis, and it is expedient to transfer those powers to the Metropolitan Board of Works :

Be it enacted, &c.

1. *Short title.*] This Act may be cited as "The Metropolitan Building Act, 1869."

2. *Act to be construed with 18 & 19 Vict. c. 122.*] This Act shall be construed as one with the Metropolitan Building Act, 1855, and the Acts amending the same.

3. *Commencement of Act.*] This Act shall come into operation on the 1st day of October, 1869, which date is in this Act referred to as the commencement of this Act.

4. *Transfer of powers over dangerous structures to the Metropolitan Board of Works.*] The powers given by part 2 of the Metropolitan Building Act, 1855, to the Commissioners

of Police of the metropolis with respect to the survey of and securing and notice respecting structures in a dangerous state, and to taking down, securing, or repairing such structures, and to the recovery of the expenses thereof, and for the appointment of persons and making of regulations for carrying into execution Part II. of the said Act relating to such structures, shall, on the commencement of this Act, be transferred to and vest in, and may thereafter be exercised by, the Metropolitan Board of Works; and the expression "the commissioners" throughout the said part (so far as regards structures situate within the limits of the said Act, and not within the City of London) shall mean the Metropolitan Board of Works.

5. *Expenses of Metropolitan Board of Works.*] All payments directed by Part II. of the Metropolitan Building Act, 1855, as amended by this Act, to be made by the Metropolitan Board of Works in respect of any structure situate within the limits of that Act, and not within the City of London, and all expenses incurred by the said board in carrying into execution Part II. of the said Act, shall be deemed to be part of their expenses in carrying into execution the said Act, and shall be raised and paid accordingly.

All payments directed by Part II. of the said Act, as amended by this Act, to be made to the Metropolitan Board of Works, shall be made in the same manner in which payments are made to the board in the ordinary course of their business.

6. *Part of 18 & 19 Vict. c. 122. repealed.*] So much of the Metropolitan Building Act, 1855, as is set out in the third column of the schedule of this Act is hereby repealed.

SCHEDULE.

Date.	Title.	Part repealed.
18 & 19 Vict. c. 122.	An Act to amend the laws relating to the construction of buildings in the metropolis and its neighbourhood.	The following words in section 70:—"but when such structure is situate elsewhere, it shall mean 'the Commissioners of Police of the metropolis,' or such one of them as may be authorised by one of her Majesty's Principal Secretaries of State to act in the matter of this Act." The following words in section 75:—"and in the cases of payments in respect of any structure situate elsewhere within the limits of this Act be made by or to the receiver of metropolitan police." The following words in section 81:—"subject to the approval of one of her Majesty's Principal Secretaries of State;" and the following words in the same section:—"and all expenses incurred by them not hereby otherwise provided for shall, in the case of expenses incurred by the said Commissioners of Police, be deemed to be expenses incurred by them in respect of the police force of which they are commissioners, and be payable accordingly."

CAP. LXXXIII.

An Act to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal enactments relating to insolvency, bankruptcy, imprisonment for debt, and matters connected therewith.

[9th August, 1869.]

Whereas it is expedient to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England :

And whereas the enactments described in the schedule to this Act relate to insolvency or bankruptcy, or imprisonment for debt, or to matters connected therewith, and the same either have ceased to be in force, or on the commencement of divers Acts of the present session will cease to be in force, and it is therefore expedient that the same be expressly repealed :

Be it therefore enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Bankruptcy Repeal and Insolvent Court Act, 1869."

2. *Commencement of Act.*] This Act shall not come into operation until the day on which the Bankruptcy Act, 1869, comes into operation, which day is herein-after referred to as the commencement of this Act.

PART I.

Temporary provisions respecting insolvent debtors.

3. *Construction of part of Act.*] Words and expressions defined or explained in the Bankruptcy Act, 1869, shall have the same meaning in this part of this Act.

4. *Jurisdiction of Insolvent Debtors Court and of county courts.*] The Court of Bankruptcy in London shall have all the jurisdiction, powers, and authorities possessed at the commencement of the Bankruptcy Act, 1861, by the late Court for the Relief of Insolvent Debtors in England (in this part of this Act called the late Insolvent Debtors Court), in relation to all matters then pending in that court, and not completed at the commencement of this Act, and all matters at the commencement of this Act pending in that court or in the county courts under the Acts for the relief of insolvent debtors shall (subject to the express provisions of this part of this Act) be continued and completed therein as if this Act had not been passed.

5. *General rules to be made by court.*] Rules of court may be made in manner provided by the Bankruptcy Act, 1869, for the effectual execution of this part of this Act and of the objects thereof, and the regulation of the practice and procedure in proceedings thereunder, and the provisions of the Bankruptcy Act, 1869, with respect to the making of rules of court shall apply accordingly.

Until rules have been made in pursuance of this section, and so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be observed.

6. *Delegation of authority by court.*] The judge of any court exercising jurisdiction under this part of this Act may delegate to the registrar or to any other officer of his court, such of the powers vested in him under this part of this Act as are allowed by the rules of court to be so delegated.

7. *Saving for liability under Insolvent Debtors Acts.*] Where a bankrupt has before adjudication of bankruptcy taken the benefit of any Act for the relief of insolvent debtors, nothing in the Bankruptcy Act, 1869, shall interfere with the operation of the Act of which he so took the benefit, in respect of the liability of property acquired after his discharge under that Act, if and so far as any such liability would have existed if the Bankruptcy Act, 1869, had not been passed.

8. *Provision for duties of provisional assignee.*] The person at the passing of this Act holding the office of provisional and official assignee of the estates and effects of insolvent debtors shall be deemed to have been duly appointed, and shall (subject to the provisions of this Act) continue, on the same terms on which he then holds that office, to perform the duties imposed on him by or under the Bankruptcy Act, 1861, or any other Act. If a vacancy occurs in that office at any time after the passing of this Act, the Lord Chancellor may appoint a fit person to perform the remaining duties thereof, who shall receive such remuneration as the Lord Chancellor, with the concurrence of the Commissioners of her Majesty's Treasury, from time to time directs, and the person so appointed shall have all the powers and authorities of the person who is at the passing of this Act the provisional and official assignee; and all estates, rights, and effects vested at the time of the vacancy in the provisional and official assignee shall, by virtue of such appoint-

ment, become vested in the person so appointed, and the like appointment on a vacancy shall be made and the like vesting shall have effect from time to time as occasion requires.

9. *Receiver of Insolvent Debtors Court.*] The provisional and official assignee of the estates and effects of insolvent debtors and the person for the time being appointed in perform the remaining duties of that office shall also be styled the receiver of the late Insolvent Debtors Court, and as such he shall act in such manner in relation to the receipt and custody of money paid to him or into court in respect of the estates of insolvent debtors, and to the payment thereof out of court, and give such security as may be from time to time prescribed by the rules of court.

The accounts of the provisional and official assignee and receiver may be audited by such person and in such manner and at such times as may be prescribed by the rules of court.

10. *Clerks and officers of Insolvent Debtors Court.*] The taxing master, clerks, and persons (other than the provisional and official assignee) at the commencement of this Act discharging duties connected with the late Insolvent Debtors Court shall continue to discharge the same duties as at the commencement of this Act, and every such clerk and person appointed before the commencement of the Bankruptcy Act, 1861, shall hold his appointment during good behaviour, but may be removed by the Lord Chancellor, by order, of some sufficient reason therein stated. If a vacancy happens in the place of any clerk or person to whom this section relates, the Lord Chancellor may, if he thinks fit, with the concurrence of the Commissioners of her Majesty's Treasury, employ a fit person to discharge the duties of that place; and in the event of the duties of any such first-named clerk or person ceasing, he shall, if the Lord Chancellor thinks fit, be appointed to discharge similar duties in the Court of Bankruptcy in London in case his services are required in that behalf, and if not so appointed his office shall be abolished, and he shall be awarded the same compensation as if his office had been abolished by the Bankruptcy Act, 1869.

11. *Salary of provisional assignee.*] The person who is at the passing of this Act the provisional and official assignee shall as long as he remains in office receive the same salary as at the commencement of this Act.

12. *Salaries of clerks and officers of court.*] The clerks and persons (other than the provisional and official assignee) who under this Act discharge duties connected with the late Insolvent Debtors Court shall as long as they discharge such duties continue to receive the same salaries as at the commencement of this Act.

13. *Saving for right to superannuation allowance, &c.*] Nothing in the Bankruptcy Act, 1869, or this Act shall deprive any person holding at the commencement of this Act any office or place in the late Insolvent Debtors Court of any benefit to which at or after the commencement of this Act he is or may become entitled by virtue of any Act relating to superannuation allowances; and the service of any such person in the Court of Bankruptcy in London shall, in relation to superannuation allowance, retiring pension, and compensation annuity on abolition of office, be equivalent to service in the late Insolvent Debtors Court; and nothing in this part of this Act shall prevent any person from being deemed an officer of the Court of Bankruptcy who would have been deemed such if this part of this Act had not been enacted.

14. *Winding up of insolvency business.* 1 & 2 Vict. c. 110.] For the purpose of winding up and terminating as quickly as possible all matters at the commencement of this Act pending in the late Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the judges of the courts in which the same are pending shall from time to time order the provisional and official assignee of the estates and effects of insolvent debtors or the person for the time being appointed to perform the remaining duties of that office, to institute and carry on such proceedings, either at law or in equity, as the judges direct for compelling creditors, assignees, and others to account for and pay to the receiver of the late Insolvent Debtors Court assets belonging to the estates of insolvent debtors, and those judges shall have for that purpose all such powers and authorities as were vested

in the late Insolvent Debtors Court in cases where the court was dissatisfied with the account of an assignee.

15. *Termination of insolvency cases.*] For the purpose of winding up and terminating all matters which at the commencement of this Act may be pending in the late Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the following provisions shall have effect, namely:

1. Every insolvency shall at the expiration of twelve months from the commencement of this Act or at the expiration of twenty years from the date of the filing of the petition (whichever last happens) be closed:
2. Before the expiration of the said twelve months or twenty years, as the case may be, any assignee, creditor, or other person interested in an insolvency may apply in the prescribed manner to the court in which it is pending to have the close of such insolvency postponed, and the judge of such court, on sufficient cause being shown for the postponement, may, subject to the rules of court, postpone such close for such period and on such terms and conditions (if any) as he thinks just:
3. If the close is postponed the same proceedings may be had before the expiration of the period of postponement as is provided by this section before the expiration of the said twenty years:
4. If sufficient cause for postponement is not shown before the expiration of the said twelve months, or twenty years, or the period of postponement (as the case may be), or of such further period as may, subject to the rules of court, be allowed for an application by the court in which the case is pending, the insolvency shall at the expiration of the said times be *ipso facto* closed, and thereupon the insolvent, or the heirs, devisees, or personal representatives of the insolvent (if he is dead), shall be in the same position and have the same rights in all respects as if the insolvent had been bankrupt, and had at the date of the closing obtained his discharge under the Bankruptcy Act, 1869.
5. The term insolvency in this section includes any proceeding taken to obtain protection under the 5 & 6 Vict. c. 116.

16. *Authorities to be cumulative.*] The powers and authorities originally conferred by this part of this Act on the Court of Bankruptcy in London and the county courts shall be deemed to be in addition to and not in abridgement of or substitution for the powers and authorities vested in them under the Acts for the relief of insolvent debtors.

17. *Account of Insolvent Debtors Court.*] The receiver of the late Insolvent Debtors Court shall keep an account to be intitled "The Account of the late Insolvent Debtors Court," and there shall be transferred to that account the account kept at the passing of this Act by the accountant in bankruptcy, intitled "The purposes of the 26th section of the Bankruptcy Act, 1861," and so much of the accounts kept by the said accountant, intitled respectively "The General Account of Bankrupt Estates," and "The Unclaimed Dividend Account," as relates to insolvent debtors, and so much of the cash and securities left standing in the name of the said accountant under the provisions of any Act passed in the present session respecting the funds of the Court of Bankruptcy as represents part of the sums standing to the credit of the accounts so transferred shall be transferred into the name of the receiver of the late Insolvent Debtors Court, to the account of the late Insolvent Debtors Court, and all the provisions of any such Act relating to the Accountant in Bankruptcy shall extend *mutatis mutandis* to the receiver of the late Insolvent Debtors Court.

18. *Application of Insolvent Debtors Court account.*] The sums for the time being standing to the account of the late Insolvent Debtors Court shall be subject to the orders of the Court of Bankruptcy in London for payment of any dividend, or distribution of any money, in the matter to which any part thereof originally belonged, and for payment of any money paid into the late Insolvent Debtors Court and appearing to be unaccounted for or not duly appropriated, and for indemnifying every existing and past provisional and official assignee, and every person appointed to perform the remaining duties of the office of provisional and official assignee, and their respective estates, against costs and expenses incurred or to be incurred in any action, suit, or proceeding.

19. *Vesting of dividends after six years non-claim.*] All dividends declared in any court acting under the Acts relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividend if declared after the commencement of this Act, and all undivided surpluses of estates administered under the jurisdiction of such court which remain undivided for five years after the declaration of a final dividend in the case of bankruptcy, or for five years after the close of an insolvency under this Act, shall be deemed vested in the Crown, and shall be disposed of as the commissioners of her Majesty's Treasury direct; provided that at any time after such vesting the Lord Chancellor may, if he thinks fit, by reason of the disability or absence beyond seas of the person entitled to the sum so vested, or for any other reason appearing to him sufficient, direct that the sum so vested shall be repaid out of the moneys provided by Parliament, and shall be distributed as it would have been if there had been no such vesting.

PART II.

Repeal.

20. *Enactments described in schedule repealed.*] The enactments described in the schedule to this Act are hereby repealed; but this repeal shall not affect the past operation of any such enactment, or revive any court, office, jurisdiction, authority, or thing abolished by any such enactment, or affect the validity or invalidity of anything done or suffered before the commencement of this Act, or any right, title, obligation, or liability accrued or restrictions imposed before the commencement of this Act, by or under any such enactment, or affect any principle or rule of law derived from any enactment contained in the first and secondly mentioned Acts in the schedule to this Act; nor shall this repeal interfere with the prosecution or affect the course of any legal proceeding pending in bankruptcy or otherwise under any such enactment before the commencement of this Act; but subject to the provisions of the Bankruptcy Act, 1869, and the Debtors Act, 1869, such proceedings shall be prosecuted as if this Act had not passed; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any enactment hereby repealed.

SCHEDULE.

Enactments repealed.

- 13 Edw. 1 (Stat. West. 2), c. 11. The masters' remedy against their servants and other accountants.
- 25 Edw. 3, Stat. 5, c. 17. Process of exigent in debt, detinue, and replevin.
- 12 Geo. 1, c. 29. An Act to prevent frivolous and vexatious arrests.—In part, namely, sections 1 and 2.
- 19 Geo. 3, c. 70. An Act for extending the provisions of an Act made in the twelfth year of the reign of King George the First, intitled An Act to prevent frivolous and vexatious arrests; and for other purposes.—In part, namely, sections 1, 2, and 3, and so much of section 4 as relates to execution against the person of a defendant and to detaining a defendant.
- 43 Geo. 3, c. 46. An Act for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorise the levying of poundage upon executions in certain cases.—In part, namely, sections 1, 2, 3, and 6, so far as they relate to England.
- 43 Geo. 3, c. 123. An Act for the discharge of debtors in execution for small debts from imprisonment in certain cases.
- 52 Geo. 3, c. 144. An Act to suspend and finally vacate the seats of members of the House of Commons who shall become bankrupts, and who shall not pay their debts in full within a limited time.—In part, namely, except so far as it relates to Scotland and Ireland.
- 1 & 2 Geo. 4, c. 115. An Act to repeal so much of an Act of the fifth year of the reign of his late Majesty King George the Second, relating to bankrupts, as requires the meetings under commissions of bankrupt to be holden in the Guildhall of the city of London, and for building offices in the said city for the meetings of the commissioners, and for the more regular transaction of business in bankruptcy.
- 7 & 8 Geo. 4, c. 71. An Act to prevent arrests upon mesne process where the debt or cause of action is under £20,

- and to regulate the practice of arrests—In part, namely except section 6.
- 11 Geo. 4 & 1 Will. 4, c. 70. An Act for the more effectual administration of justice in England and Wales—In part, namely, sections 21 and 22.
- 1 & 2 Will. 4, c. 56. An Act to establish a court in bankruptcy.
- 2 & 3 Will. 4, c. 39. An Act for uniformity of process in personal actions in his Majesty's courts of law at Westminster—In part, namely, sections 1 to 10, both inclusive.
- 2 & 3 Will. 4, c. 114. An Act to amend the laws relating to bankrupts.
- 3 & 4 Will. 4, c. 84. An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished—In part, namely, section 9.
- 5 & 6 Will. 4, c. 29. An Act for investing in Government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts' estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the subdivision courts.
- 6 & 7 Will. 4, c. 27. An Act for investing in Government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts' estates.
- 1 & 2 Vict. c. 110. An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England—In part, namely, sections 1 to 10, both inclusive. So much of section eighteen as relates to orders of the Lord Chancellor or of the Court of Review in matters of bankruptcy, and sections 23 to 123, both inclusive.
- 2 & 3 Vict. c. 39. An Act to amend an Act passed in the last session of Parliament for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.
- 5 & 6 Vict. c. 122. An Act for the amendment of the law of bankruptcy.
- 7 & 8 Vict. c. 70. An Act for facilitating arrangements between debtors and creditors.
- 7 & 8 Vict. c. 96. An Act to amend the law of insolvency, bankruptcy, and execution—In part, namely, sections 1 to 59, both inclusive.
- 8 & 9 Vict. c. 127. An Act for the better securing the payment of small debts—In part, namely, sections 1 to 7, both inclusive, and section 15.
- 9 & 10 Vict. c. 95. An Act for the more easy recovery of small debts and demands in England—In part, namely, sections 98 to 101, both inclusive.
- 10 & 11 Vict. c. 102. An Act to abolish the Court of Review in Bankruptcy, and to make alterations in the jurisdictions of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors.
- 11 & 12 Vict. c. 77. An Act to authorise the application of part of the unclaimed money in the Court for the Relief of Insolvent Debtors in enlarging the court-house of the said court.
- 12 & 13 Vict. c. 106. The Bankrupt Law Consolidation Act, 1849.
- 14 & 15 Vict. c. 52. An Act to facilitate the more speedy arrest of absconding debtors.
- 14 & 15 Vict. c. 83. An Act to improve the administration of justice in the Court of Chancery, and in the Judicial Committee of the Privy Council—In part, namely, section 7, and section 10 as far as it relates to matters of bankruptcy.
- 15 & 16 Vict. c. 77. An Act to abolish the office of Lord Chancellor's secretary of bankrupts, and to regulate the office of chief registrar of the Court of Bankruptcy.
- 16 & 17 Vict. c. 81. An Act to reduce the salary and emoluments of the registrar of meetings of the Court of Bankruptcy.
- 17 & 18 Vict. c. 119. The Bankruptcy Act, 1854.
- 18 & 19 Vict. c. 15. An Act for the better protection of purchasers against judgments, crown debts, cases of *lis pendens*, and life annuities or rent charges—In part, namely, section 10.

22 & 23 Vict. c. 57. An Act limiting the power of imprisonment for small debts exercised by the county court judges.

23 & 24 Vict. c. 147. An Act to amend the 7 & 8 Vict. c. 70.

24 & 25 Vict. c. 134. The Bankruptcy Act, 1861.

25 & 26 Vict. c. 99. An Act to amend the Bankruptcy Act, 1861—In part, namely, except section 4.

31 & 32 Vict. c. 104. An Act to amend the Bankruptcy Act, 1861.

CAP. LXXXIV.

An Act to abolish the office of Cursitor of the Court of Chancery in the palatine of Durham.

[9th August, 1869.]

Whereas the business of the cursitor of the Court of Chancery in the palatine of Durham has been greatly diminished, and the office is now vacant, and it is expedient that the said office should be abolished:

Be it enacted, &c.

1. *Office of cursitor of chancery in county palatine of Durham to cease. Duties of cursitor to be performed by registrar of Court of Chancery of palatine.*

CAP. LXXXV.

An Act to continue various expiring laws.

[9th August, 1869.]

CAP. LXXXVI.

An Act to amend the law relating to the presentation of accounts, statements, returns, and documents to Parliament.

[9th August, 1869.]

29 & 30 Vict. c. 39 amended.

1. *Short title:* The Parliamentary Returns Act, 1869.

2. *Discontinuance by Treasury of separate returns.*

3. *Minutes to be submitted to Parliament.*

CAP. LXXXVII.

An Act to provide for the prevention of gaming in public places in Scotland.

[9th August, 1869.]

CAP. LXXXVIII.

An Act for the separation of the Straits Settlements from the Diocese of Calcutta.

[9th August, 1869.]

CAP. LXXXIX.

An Act to amend the law relating to the office of Clerk of Assize and offices united thereto, and to certain fees upon orders for payment of witnesses in criminal proceedings.

[9th August, 1869.]

Whereas it is expedient to amend the law relating to the office of clerk of assize and offices united thereto, and to remove doubts which have arisen respecting the taking of certain fees in pursuance of section 5 of the Act of the session of the 30th and 31st years of the reign of her present Majesty, chapter 35, "to remove some defects in the administration of the criminal law:

Be it therefore enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as the Clerks of Assize, &c., Act, 1869.

2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

PART I.

OFFICE OF CLERK OF ASSIZE.

3. *Qualification for clerk of assize.*] After the passing of this Act a person shall not be appointed to be clerk of assize unless he has during a period of not less than three years been either

1. A barrister-at-law in actual practice, or

2. A special pleader or conveyancer in actual practice, or

3. An attorney of one of the superior courts of law at Westminster in actual practice, or

4. A subordinate officer of a clerk of assize on circuit; and the appointment of any person to be clerk of assize who

is not qualified as provided by this section shall be void and another duly qualified person may be appointed in his place as if he were naturally dead.

4. *Revision of salary of clerk of assize.*] Whenever any vacancy takes place in the office of clerk of assize the commissioners of her Majesty's Treasury may revise the salary attached to such office and fix another salary in lieu of the former salary, having regard to the nature of the duties and responsibility of such office.

5. *Taking of fees by clerks of assize.*] A clerk of assize who is paid by salary shall not take any fee for his own use; and if he is authorised by any Act passed or hereafter to be passed to take any fee for any duty performed by him, he shall take (by stamps or otherwise) and account for and pay over such fee in such manner as may be directed by the Commissioners of her Majesty's Treasury.

6. *Persons hereafter appointed not to be entitled to compensation.*] Every person who is appointed after the passing of this Act to be clerk of assize shall hold his office subject to such provisions and regulations as may thereafter be enacted by Parliament respecting the same, and shall not be entitled to any compensation in respect of the emoluments of his office in case any alteration is made in the duties thereof, or the same is abolished by authority of Parliament.

7. *Removal of person employed by clerk of assize.*] Any person employed by any clerk of assize and paid any salary or allowance out of moneys provided by Parliament shall not be removed from his office or employment without the sanction of the Commissioners of her Majesty's Treasury.

8. *Definition of clerk of assize.*] In this Act the term "clerk of assize" includes clerk of the Crown and associate on circuit, and any other office the duties of which are at the passing of this Act or may hereafter be performed by the clerk of assize.

PART II.

FEES ON ORDERS UNDER 30 & 31 VICT. C. 35, s. 5.

9. *Construction of part of Act.*] This part of this Act shall be construed as one with the recited Act of the 30 and 31st years of the reign of her present Majesty, chapter 35, which may be cited as the Criminal Law Amendment Act, 1867.

10. *Amendment of section 5 of 30 & 31 Vict. c. 35, as to fees.*] Where the officer of the court who in pursuance of section 5 of the Criminal Law Amendment Act, 1867, makes out an order for the payment of expenses and compensation to witnesses is paid by salary, or is for the time being allowed under the table of fees relating to his office to take one fee only of fixed amount in respect of his several duties relating to the prosecution of an offender, such officer shall make out and deliver such order without taking any fee for the same, and the said section shall be construed as if all mention of the sum or fee of sixpence were omitted therefrom.

11. *Fees under section 5 of 30 & 31 Vict. c. 35, to be included in the account of the clerk of the peace.*] Where the fee of sixpence is, in pursuance of section 5 of the Criminal Law Amendment Act, 1867, as amended by this Act, taken by a clerk of the peace or other officer, the amount of such fees received by him during any year after the passing of this Act shall be included in the total amount of fees in criminal prosecutions received by him, which is to be ascertained under section 18 of the Act of the session of the 18th and 19th years of the reign of her present Majesty, chapter 126, "for diminishing expense and delay in the administration of criminal justice in certain cases," and shall be included in every return or account of fees made or rendered by such clerk of the peace or other officer.

CAP. XC.

An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further provisions concerning turnpike roads. [9th August, 1869.]

CAP. XCI.

An Act for amending the law relating to the salaries, expenses, and funds of courts of law in England. [9th August, 1869.]

Whereas it is expedient that the expenditure for the courts of justice should be (so far as may be) defrayed out of moneys to be provided for that purpose by Parliament, or out of the Consolidated Fund:

And whereas in the second part of the first and second schedules to this Act there are shown the stock and cash which on the several days mentioned in those schedules belonged to the Courts of Chancery and Bankruptcy (as distinguished from the stock securities and cash which are the property of the suitors therein):

And whereas the charges on such stock and cash are shown in the third and fourth schedules to this Act:

And whereas it is expedient that on the charges thereon being transferred to the Consolidated Fund or moneys provided by Parliament, the said stock and cash should be transferred to the public:

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Courts of Justice (Salaries and Funds) Act, 1869."

2. *Commencement of Act.*] This Act shall not come into operation until the 1st day of October, 1869, which date is herein-after referred to as the commencement of this Act.

3. *Definition of terms.*] In this Act—

The term "the Treasury" means the Commissioners of her Majesty's Treasury for the time being, or any two or more of them:

The term "Court of Chancery" means the High Court of Chancery of England, and included all offices mentioned in the third schedule to this Act:

The term "Court of Admiralty" means the High Court of Admiralty in England:

The term "Court of Bankruptcy" means, except where otherwise expressly mentioned, the Court of Bankruptcy in London as constituted at the passing of this Act and the District Courts of Bankruptcy, and includes any court, whether constituted before or after the commencement of this Act, which for the time being exercises the powers of the late Court for the Relief of Insolvent Debtors in England, so far as relates to such late court.

Court of Chancery.

4. *Transfer of stock and cash to National Debt Commissioners.*] As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant-General, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant-General of the Court of Chancery to the credit of any of the accounts described in the second part of the first schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

5. *Indemnity out of Consolidated Fund to suitors of Court of Chancery.*] After the commencement of this Act the Consolidated Fund shall, to the same extent as the stock and cash so transferred, be liable to make good to the suitors of the Court of Chancery the debts which at the commencement of this Act may be due to them in cash from the Court of Chancery in manner stated in the first part of the first schedule to this Act, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

6. *Deficiency and excess of cash balance to credit of Accountant-General.*] Whenever the Lord Chancellor certifies in writing to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant-General of the Court of Chancery is less than £300,000, or such other sum as may be from time to time fixed by the Lord Chancellor, with the concurrence of the Treasury (regard being had to the amount required for carrying on the business of the office of the Accountant-General, and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England, to the credit and with the privity of the said Accountant-General, to be applied by him as part of the common and general cash of the suitors of the

said court, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of £500,000, or such other sum as may from time to time be fixed in manner aforesaid, and the liability of the Consolidated Fund under this Act shall be diminished by the amount of the sum so paid.

Whenever the said cash balance exceeds the sum of £500,000, or such other sum as may be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor (to be made on the written requisition of the Treasury), and without any draft from the Accountant-General, or any act to be done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of any sum so transferred to make good to the suitors of the Court of Chancery any sum of cash due from the court to them.

The said Accountant-General shall keep an account in his books showing the amount of the debts due from the Consolidated Fund to the suitors of the court in respect of all sums of stock and cash transferred to the said commissioners under this Act.

7. *As to unclaimed dividends under section 3 of 16 & 17 Viet. c. 98.*] Where the Lord Chancellor, in pursuance of section 3 of the Act of the session of the 16th and 17th years of the reign of her present Majesty, c. 98, "for the further relief of the suitors of the High Court of Chancery," makes an order for carrying any dividends or cash to the credit of "the suitors' unclaimed dividend account," the dividends and cash so carried over shall be paid into the receipt of her Majesty's Exchequer, and carried to the Consolidated Fund. On any order made by the court, under section 2 of the same Act, for paying to a suitor any dividends or cash so carried over, the Treasury shall, if required in writing by the Lord Chancellor, out of the growing produce of the Consolidated Fund, pay the same into the Bank, with the privy of the Accountant-General of the Court of Chancery, to the credit of the account from which such dividends were carried.

8. *Income of Court of Chancery to go to Consolidated Fund.*] After the commencement of this Act the rent of any of the master's offices in Southampton-buildings, Chancery-lane, all brokerage payable by the broker of the Court of Chancery to the credit of the Suitors' Fee Fund, and all sums for rent received by the solicitor to the Suitors' Fund, and payable by him to the credit of any of the accounts or funds mentioned in part 2 of the first schedule to this Act, and all moneys which, but for the passing of this Act, would be payable to the credit of any of the said accounts or funds, shall be paid into the receipt of her Majesty's Exchequer at such times and in such manner as the Treasury may direct, and shall be carried to the Consolidated Fund.

Court of Bankruptcy.

9. *Transfer of stock and cash to National Debt Commissioners.*] As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor, to be made in that behalf, and without any draft from the Accountant in Bankruptcy, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which, on the commencement of this Act, may be standing in the books of the Bank of England in the name of the Accountant in Bankruptcy to the credit of any of the accounts described in the second part of the second schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

10. *Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.*] After the commencement of this Act the Consolidated Fund shall be liable to make good the debts due in cash from the Court of Bankruptcy in respect of the estates of bankrupts, in manner stated in the first part of the second schedule to this Act, and the debts due in cash from the late Court for the Relief of Insolvent Debtors in England in respect of estates of insolvent debtors, in manner stated in the first part of the same schedule, and the Treasury shall, in manner provided by this Act, cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

11. *Deficiency and excess of cash balance to credit of Accountant in Bankruptcy.*] Whenever the Lord Chancellor certifies to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant in Bankruptcy is less than £50,000, or such other sum as may from time to time be fixed by the Lord Chancellor, with the concurrence of the Treasury (regard being had to the amount required for carrying on the business of the office of the Accountant and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England to the credit of the Accountant, to be applied by him as part of such cash balance, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of £100,000, or such other sum as may from time to time be fixed in manner aforesaid.

Whenever the said cash balance exceeds the sum of £100,000, or such other sum as may from time to time be fixed in manner aforesaid the Governor and Company of the Bank of England shall, on an order of the Lord Chancellor to be made on the written requisition of the Treasury, and without any draft from the Accountant, or act done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of the sum so paid to make good any sum of cash due from the Court of Bankruptcy in respect of estates of bankrupts and insolvents.

If under any Act passed in the present session any of the duties previously performed by the Accountant in Bankruptcy are transferred to any other officer, the provisions of this section shall apply in the same manner as if they had been separately enacted with respect to such officer and his office and the duties to be performed by him, and such officer had been named herein instead of the said Accountant.

Salaries, pensions, &c.

12. *Salaries of judges charged on Consolidated Fund.*] After the commencement of this Act the salaries and pensions of the judges mentioned in the first parts of the third and fourth schedules to this Act shall be paid out of the Consolidated Fund.

13. *Compensations, pensions, salaries, &c., charged on annual votes.*] After the commencement of this Act all compensations, pensions, retiring annuities, and superannuation allowances, at that date charged on any of the stock or cash standing to any of the accounts mentioned in the first and second schedules to this Act, or on the interest of any such stock, and the salaries, charges, and payments described in the second parts of the third and fourth schedules to this Act, and the salaries of and all pensions and superannuation allowances which may be granted to existing and future officers, clerks, and persons employed in the Court of Chancery or the Court of Bankruptcy, and the expenses and contingencies of those courts and of the offices therein, and all other sums payable under any Act relating to such courts, out of any of the stock and cash transferred under this Act, or the interest of such stock, including sums payable in pursuance of section 16 of the Courts of Justice Building Act, 1865 (which relates to the purchase of compensation allowances), and also all arrears of such compensations, pensions, annuities, allowances, salaries, charges, and payments accrued before the commencement of this Act, shall be paid out of moneys provided by Parliament for the purpose.

All compensations, pensions, annuities, allowances, and salaries payable under this section shall be deemed to accrue from day to day, but shall be payable on such days as the Treasury may from time to time appoint.

If the moneys provided by Parliament are at any time insufficient for the purposes mentioned in this section, the Consolidated Fund shall be liable to make good such deficiency to the same extent to which the stock and cash and the interest of such stock, transferred under this Act or the income thereof, are liable at the commencement of this Act.

Nothing in this Act shall deprive any person who at the commencement of this Act enjoys any compensation, pension, retiring annuity, superannuation allowance, or salary mentioned in this section, of his right to continue to receive the same compensation, pension, retiring annuity, super-

annuation allowance, or salary, or of any right he may have to receive any progressive or prospective increase of salary or to obtain any promotion or succession, or any pension, retiring annuity, or superannuation allowance, and nothing in this Act shall affect or diminish any such right.

Officers of court.

14. *Appointment of officers.*] The Treasury may from time to time, by order made with the concurrence of the Lord Chancellor, and also with the concurrence of the Master of the Rolls in the case of officers who are appointed or whose salaries are fixed by the Master of the Rolls, either solely or jointly with the Lord Chancellor, and with the concurrence of the judge of the Court of Admiralty in the case of the officers of that court, increase or diminish the number of officers in the Courts of Chancery, Bankruptcy, and Admiralty, and the amounts of the salaries of such officers, and determine the conditions on which they are to hold their offices, and regulate the expenses and contingencies incurred in respect of the said courts or the officers belonging thereto.

Any officer appointed after the commencement of this Act shall take his office subject to any order that may thereafter be made under this section in relation to the abolition or modification of his office, but no order made under this section shall, without his consent, apply to any officer holding office at the date of the commencement of this Act, and when the conditions on which any officer is to hold his office, and the salary to be paid to him, has been determined by any order under this section for the time being in force, no subsequent order under this section shall apply to such officer without his consent.

Any order made under this section shall be laid before both Houses of Parliament within fourteen days after it is made, if Parliament be then sitting, or if not, within fourteen days after the commencement of the next session. It shall also be published in the *London Gazette*, and when so published shall be of the same force as if it were enacted in this Act, but subject to being varied or repealed from time to time by other orders made in like manner under this Act, and any enactment inconsistent with such order shall be repealed from and after the date of any such publication.

The term "officer" in this section means all officers, clerks, messengers, and persons who are mentioned in the second parts of the third and fourth schedules to this Act, or are for the time being employed in the said Courts of Chancery, Bankruptcy, and Admiralty, or any of them, or the offices connected therewith.

Buildings.

15. *Courts and buildings.*] The building in Basinghall-street in the City of London known as the Court of Bankruptcy, and the buildings in Portugal-street, Lincoln's-inn-fields, formerly known as the Court for Relief of Insolvent Debtors (and occupied at the commencement of this Act by the officers of that court, and by the Land Registry and the Courts of Justice Commission), shall, with the sites thereof, continue vested in the Commissioners of her Majesty's Works and Public Buildings, and shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

On the commencement of this Act all the rights and interest of the district commissioners in the buildings then used for the district courts of bankruptcy, and in all other buildings vested in the district commissioners as such, and in the sites thereof, and in all furniture and effects belonging to the district courts, and the offices thereof, shall be transferred to and vest in the Commissioners of her Majesty's Works and Public Buildings, and the same shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

Fees.

16. *Alteration of fees in Court of Chancery.*] After the commencement of this Act the Lord Chancellor, with the advice and consent of the Lord Justices of Appeal, Master of the Rolls, and Vice-Chancellors, or any three of them, and with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees and percentages (including the percentage on estates of lunatics), and appoint new fees to be taken in relation to proceedings in the Court of Chancery, or

in any of the offices mentioned in the third schedule to this Act.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

17. *Fees in Court of Admiralty.*] After the commencement of this Act, the judge of the Court of Admiralty may from time to time by order, with the concurrence of the Treasury, increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Admiralty.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

18. *Fees in Court of Bankruptcy.*] After the commencement of this Act the Lord Chancellor, with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Bankruptcy.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

19. *Fees to be taken by stamps.*] After the commencement of this Act all fees whatever, or payments in the nature or lieu of fees, for the time being payable in the Courts of Chancery, Admiralty, and Bankruptcy, or any of the offices therein, including percentage payable out of estates of lunatics, shall, except so far as the Lord Chancellor may from time to time otherwise by order direct, be taken by means of stamps, and if taken in money in pursuance of any such order shall be paid into the receipt of her Majesty's Exchequer, and be carried to the Consolidated Fund.

20. *Stamps to be impressed or adhesive.*] All or any stamps to be used under this Act shall be impressed or adhesive, as the Treasury from time to time direct.

21. *General rules to be made by Treasury.*] The Treasury, with the concurrence of the Lord Chancellor, or, in the case of the Court of Admiralty, of the judge of that Court, may from time to time make such rules as seem fit for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of adhesive stamps and keeping accounts of such stamps.

22. *Documents not properly stamped to be invalid.*] Any document which ought to bear a stamp under this Act shall not be of any validity unless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filled, or used without being properly stamped, the Lord Chancellor, or a judge of one of the said courts may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if such document had been properly stamped in the first instance.

23. *Receipts from stamps to be paid to Consolidated Fund.*] The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act; and subject to the deduction of any expenses incurred by those commissioners in the execution of this Act, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.

24. *Annual account and expenditure of Courts of Chancery and Bankruptcy.*] The Treasury shall cause to be prepared annually (with respect to the Court of Chancery and the Court of Bankruptcy separately) an account for the year ending the 31st of March, showing on the one side the following receipts:

1. The dividends or interest which would have arisen from the stock transferred to the Commissioners for the Reduction of the National Debt under this Act, and from the stock and securities purchased with cash so transferred, if such stock and securities were not cancelled;
2. All unclaimed dividends, rents, brokerage, and other sums paid into the receipt of her Majesty's Exchequer under this Act in respect of the said courts respectively;
3. The amount received, after deducting the expenses, in respect of fees and percentages taken in relation to

proceedings in the said courts respectively, or in any of the offices thereof; and showing on the other side the expenditure during such year for compensations, pensions, retiring annuities, superannuation allowances, salaries, charges, expenses, and payments incurred in respect of the said courts respectively.

Where any sum has been paid in pursuance of this Act out of the growing produce of the Consolidated Fund to the credit of the Accountant-General of the Court of Chancery, or the Accountant in Bankruptcy or any other officer, such allowance shall be made in the said accounts as if on the day of such payment an amount of the Three per centum consolidated bank annuities transferred under this Act had been sold sufficient to raise the sum so paid.

The term "Court of Bankruptcy" in this section means the court as defined by this Act, or as constituted by any Act of the present session.

25. *Application of section 3 of 30 & 31 Viet. c. 122, to Admiralty fees.* So much of the Courts of Law Fees Act, 1867, as relates to the account with respect to the High Court of Admiralty, shall be construed as if the fees therein referred to were the fees authorised under this Act.

26. *Accounts to show surplus and deficit and comparison for two years.* Each of the said annual accounts prepared in pursuance of this Act shall show the deficit or surplus of receipts as compared with expenditure, and the second of each such yearly accounts and every subsequent account shall show the items for two consecutive years, and the increase or decrease of any item in the second of those years as compared with the first.

The first of the said annual accounts shall be made up for the period between the commencement of this Act and the 31st day of March, 1870.

27. *Accounts to be laid before Houses of Parliament.* Each of the said annual accounts prepared in pursuance of this Act shall be laid before both Houses of Parliament within one month after the 31st day of March in each year, if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

28. *Provision for deficit on accounts.* If in any year there is a deficit on either of the annual accounts as aforesaid, the amount of such deficit shall be debited to the same account in the next following year; provided that no such deficit shall be debited to any account unless and until there has been in some year a surplus on the same account, and after there has been such a surplus the deficit (if any) of every subsequent year shall be so debited, but not that of any year previous to that in which there first was a surplus.

Miscellaneous.

29. *Saving for Act of present session.* The provisions of this Act with respect to the Court of Bankruptcy shall be subject to any provisions made with respect to that court by any Act passed in the present session.

30. *Application of stock and cash transferred to Commissioners for Reduction of National Debt.* As soon as any sums of stock have been transferred in pursuance of this Act to the Commissioners for the Reduction of the National Debt, the Treasury shall by warrant direct the Governor and Company of the Bank of England to cancel such sums in the books of the said governor and company. The Commissioners for the Reduction of the National Debt shall apply all cash transferred to them in pursuance of this Act in reduction of the National Debt in the same manner as if such cash were a surplus of the annual revenue.

31. *Accounts.* The Treasury shall cause to be kept by such persons and in such manner as they may from time to time direct, accounts of the liability of the Consolidated Fund under this Act, and such accounts as may be necessary in order to admit of the preparation of the annual accounts required by this Act in respect of the Courts of Chancery and Bankruptcy.

32. *Orders by Lord Chancellor.* The Lord Chancellor may from time to time make such orders as he may think necessary for carrying this Act into effect.

33. *Treasury may make regulations.* The Treasury from time to time may make such rules and regulations and issue such order concerning the form and mode of transmission of certificates and vouchers, and otherwise for checking, controlling, and regulating the payment of the charges transferred by this Act to the Consolidated Fund or moneys pro-

vided by Parliament, and for enforcing and regulating the accounting for and due payment of the stock and moneys to be transferred to the Commissioners for the Reduction of the National Debt, or to be carried to the Consolidated Fund under this Act, as they may think fit; and a return of any such rules and regulations which may be issued by the Treasury shall be laid before both Houses of Parliament within six weeks from the date of the issue thereof, if Parliament be then sitting, and if it be not then sitting, within six weeks from the day of the next ensuing meeting of Parliament.

34. *Repeal of Acts as in 5th schedule.* The enactments described in the 5th schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything already done or suffered, or any right acquired or order made, under the said enactments or any of them.

Nor shall this repeal affect the right of any person to receive such salary, compensation, retiring annuity, pension, superannuation allowance, or progressive or prospective increase of salary, or to obtain such promotion or succession, or pension, retiring annuity, or superannuation allowance as he might have received or obtained if this repeal had not been enacted.

FIRST SCHEDULE.

COURT OF CHANCERY.

Funds standing in name of Accountant-General.

PART I.

Belonging to suitors, and not transferred by Act.

PART II.

Belonging to Court, and transferred by Act.

SECOND SCHEDULE.

COURT OF BANKRUPTCY.

Funds in name of Accountant in Bankruptcy.

PART I.

Belonging to suitors, and not transferred by Act.

PART II.

Belonging to Court, and transferred by Act.

THIRD SCHEDULE.

PART I.

Salaries and pensions charged on the Consolidated Fund.

PART II.

Salaries and expenses of the Court of Chancery payable out of moneys provided by Parliament for the purpose.

FOURTH SCHEDULE.

PART I.

Salaries and pensions of the Court of Bankruptcy charged on Consolidated Fund.

PART II.

Salaries and expenses of the Court of Bankruptcy payable out of moneys to be provided by Parliament for the purpose.

FIFTH SCHEDULE.

A description of part of an Act is inclusive of the words and sections first or last mentioned or referred to as forming the beginning or end of the portion described.

12 Geo. 2, c. 24.

4 Geo. 3, c. 32.

5 Geo. 3, c. 28.

9 Geo. 3, c. 19.

14 Geo. 3, c. 43.

32 Geo. 3, c. 42, in part—except section 8.

46 Geo. 3, c. 128.

46 Geo. 3, c. 129.

50 Geo. 3, c. clxiv. in part—sections 1, 3, 8, 15—19, 21, and 25—28.

53 Geo. 3, c. 24, in part—sections 7—12.

2 & 3 Will. 4, c. 122, in part—except sections 8—10.

3 & 4 Will. 4, c. 94, in part—sections 35—38 and 43

—47.

5 & 6 Will. 4, c. 29, in part—sections 1—4, 9—11,

14—17, 19, and 20.

- 6 & 7 Will. 4, c. 27.
 7 Will. 4, and 1 Vict. c. 46, in part—sections 6—9 and 11—13.
 1 & 2 Vict. c. 54.
 3 & 4 Vict. c. 66, in part—sections 8 and 13—16.
 3 & 4 Vict. c. 94—sections 2, 3, and 4.
 5 Vict. c. 5, in part—sections 11, 12, and 58—63.
 5 & 6 Vict. c. 84, in part—except section 10.
 5 & 6 Vict. c. 103, in part—sections 20, 21—27, and section 29 from “and further that all dividends” to end of section.
 8 & 9 Vict. c. 100, in part—sections 35, 97, and 98.
 12 & 13 Vict. c. 109, in part—sections 6—8, 21, and 23.
 14 & 15 Vict. c. 83, in part—section 19.
 15 & 16 Vict. c. 80, in part—sections 6, 48, and 49.
 15 & 16 Vict. c. 87, in part—sections 2, 6—13, 48, 51, 53, 54, and so much of section 52 as relates to the fund out of which the sums are to be payable.
 16 & 17 Vict. c. 70, in part—sections 25, 30, and 31.
 16 & 17 Vict. c. 98, in part—section 2 from “out of the fund” to the end of the section, and section 4.
 17 & 18 Vict. c. 78, in part—sections 14—21, both inclusive.
 18 & 19 Vict. c. 134, in part—sections 14, and 17—22.
 25 & 26 Vict. c. 86, in part—section 27.

CAP. XCII.

An Act to amend the laws relating to the fisheries of Ireland. [9th August, 1869.]

CAP. XCIII.

An Act to apply a sum out of the Consolidated Fund and the surplus of Ways and Means to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy, and to appropriate the supplies granted in this session of Parliament. [11th August, 1869.]

CAP. XCIV.

An Act to amend the New Parishes Acts and Church Building Acts. [11th August, 1869.]

Be it enacted, &c.

1. *Powers of New Parishes Acts to apply at any time to new parishes for ecclesiastical purposes.*

2. *Pews or sittings may be surrendered to Ecclesiastical Commissioners.*

3. *Surrender to be by deed executed by the parties, including bishop of diocese.*

4. *Upon surrender all rights of ownership, &c., to cease.*

5. *And pews, &c., subject as pews of ancient parish churches.*

6. *Powers herein-before contained to apply to and authorise absolute transfer to Ecclesiastical Commissioners.*

7. *Upon complete surrender, all rights created by Act for building church to cease.*

8. *Provision for sites of churches pulled down.*

9. *The portions of a benefice held in severally may be consolidated into one.*

10. *Part of 19 & 20 Vict. c. 104, s. 18, repealed.*

11. *As to parish where there is no church and no patron.*

12. *Contract for the assignment of patronage under the Church Building and New Parishes Acts not to be simoniacal.*

13. *Certain assignments of patronage under Church Building and New Parishes Acts to be valid, and none of the penalties against simony to attach.*

14. *Words “church” and “chapel” to apply only to churches and chapels of the Established Church of England.*

CAP. XCV.

An Act to enable military offenders to be confined in Millbank Prison. [11th August, 1869.]

CAP. XCVI.

An Act to amend the Contagious Diseases Act, 1866. [11th August, 1869.]

CAP. XCVII.

An Act to amend in certain respects the Act for the better government of India. [11th August, 1869.]

CAP. XCVIII.

An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations for certain purposes.

[11th August, 1869.]

CAP. XCIX.

An Act for the more effectual prevention of crime.

[11th August, 1869.]

Whereas it is expedient to make further provision for the suppression of crimes committed by convicts at large on licence or by other offenders:

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as “The Habitual Criminals Act, 1869.”

2. *Definition of terms.*] In this Act the term “court” includes any justice or justices of the peace or other person or persons having jurisdiction in the matter to which the term refers. “Chief officer of police” shall mean within the district of the London metropolitan police force the commissioner of police, or an assistant commissioner, or a district superintendent; in the City of London the commissioner of police; within the police district of Dublin metropolis any one of the commissioners of police for the said district; and elsewhere shall include any of the following persons,—in England, any chief constable, head constable, or other chief officer of police or of a division of police, by whatever name such chief officer may be called; the expression “stipendiary magistrate” shall include a metropolitan police magistrate; and in Ireland, any inspector, sub-inspector, head or other constable of the Royal Irish Constabulary acting as chief officer of constabulary within any district or town. Where in any of the provisions of this Act, the expression “stipendiary magistrate” is used, such provision shall be interpreted in Scotland as if the expression “sheriff or sheriff substitute” had been used.

PART I.

Convicts at large on licence.

3. *Power to apprehend holders of licences on suspicion.*] Any constable or police officer may, if authorized so to do in writing by a chief officer of police, without warrant, take into custody any convict who is the holder of a licence granted under the Penal Servitude Acts, 1863, 1867, and 1864, or any of them, and whom he has reason to believe to be getting a livelihood by dishonest means, and may bring him before two or more justices of the peace or a stipendiary magistrate.

If it shall appear from the facts proved before such justices or magistrate that there are reasonable grounds for such belief, his licence shall be forfeited in the same manner as if he had been convicted of an indictable offence, and the justices or magistrate before whom he is brought shall commit him to any prison within their or his jurisdiction, there to remain until he can conveniently be removed to some prison in which convicts under sentence of penal servitude may lawfully be confined, in order that he may there undergo the term of penal servitude to which he is liable under the said Penal Servitude Acts, or some of them.

4. *Penalty for breach of conditions of licence.*] Where in any licence granted under the said Penal Servitude Acts, or any of them, any conditions different from or in addition to those contained in Schedule A. of the Penal Servitude Act, 1864, are inserted, the holder of such licence shall, on a breach of such conditions, be deemed guilty of an offence, in the same manner as if such conditions were contained in the said schedule A.

There shall be repealed so much of the fourth section of the Penal Servitude Act, 1864, as requires the holder of a licence to report himself personally once in each month.

A copy of any conditions annexed to any licence granted under the Penal Servitude Acts, other than the conditions contained in Schedule A. of the Penal Servitude Act, 1864, shall be laid before Parliament within twenty-one days after the making thereof, if Parliament be then sitting.

or if not, then within fourteen days after the commencement of the next session of Parliament.

PART II.

Registration of criminals.

5. *Register of criminals.*] For the better supervision of criminals a register of all persons convicted of crime in England shall be kept in London, under the management of the Commissioner of Police for the Metropolis, or of such other person as one of her Majesty's principal Secretaries of State may appoint, and in Dublin a like register shall be kept, under the management of the Commissioners of Police for the police district of Dublin metropolis, or of such other person as the Lord Lieutenant or other Chief Governor or Governors of Ireland may appoint, in such form, with such evidences of identity, and containing such particulars, and subject to such regulations as may from time to time be prescribed by one of her Majesty's principal Secretaries of State in England, or in Ireland by the Lord Lieutenant. All expenses incurred with the sanction of the Commissioners of the Treasury in keeping such register shall be paid out of moneys provided by Parliament.

6. *Returns for purposes of register.*] In order to make such register complete, and to make the supervision over criminals effectual, the gaolers or governors of county and borough prisons, and the chief officers of police in every county and borough, and other place in the United Kingdom which maintains a separate police, shall from time to time make returns, if such prison, county, borough, or other place be in Great Britain, to one of her Majesty's principal Secretaries of State, and if the same be situate in Ireland, to the Lord Lieutenant or other chief governor or governors of Ireland, or to such person as they may respectively appoint, in such manner, and at such time, and containing such evidences of identity and other information with respect to persons convicted of crime, as they may from time to time respectively direct.

All expenses incurred in any place in carrying this section into effect with the sanction of the authority authorized to allow charges on the funds for the maintenance of the police in that place, shall be deemed to be part of the expenses of such police, and be defrayed accordingly.

7. *Part of Act to be construed with Penal Servitude Acts.*] The first two parts of this Act, so far as is consistent with the tenor thereof, shall be construed as one with the said Penal Servitude Acts. Crime, for the purposes of this Act, so far as relates to the registration of criminals, shall mean any felony or any offence not a felony specified in the first schedule hereto.

PART III.

Habitual criminals.

8. *Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.*] Where any person is convicted on indictment of any offence specified in the first schedule hereto in England or Ireland, and in the second schedule hereto in Scotland, and he be proved to have been previously convicted of any offence specified in the said schedule, either before or after the passing of this Act, then, in addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him, unless otherwise declared by the court, that he is to be subject to the supervision of the police as herein-after mentioned for a period of seven years or such less period as the court shall direct, commencing from the time at which he is convicted, and exclusive of the time during which he is undergoing his punishment.

Where any person is subject, in pursuance of this Act, to the supervision of the police, he shall be guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances, or any of them:—

First. If, on his being charged by a constable or police officer with getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means:

Secondly. If he is found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he was about to commit or to aid in the commission of any crime

punishable on summary conviction or indictment, or was waiting for an opportunity to commit or aid in the commission of any such crime:

Thirdly. If he is found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises.

Any person charged with being guilty of any offence punishable on summary conviction under this section may be taken into custody by any constable or police officer without warrant, or may, if charged with being guilty of an offence committed under the circumstances thirdly hereinbefore mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorised by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate; provided that no person shall be so taken into custody on the ground that he is suspected of getting his livelihood by dishonest means except under a written authority from a chief officer of police.

When a person is convicted under this section of an offence which subjects him to the supervision of the police the record of his conviction shall contain a statement to the effect that he is subject to the supervision of the police in pursuance of this Act for a period of seven years commencing from the date of his conviction, and exclusive of the time during which he is undergoing his punishment, or words to the like purport, but the omission of any such statement shall not exempt any person from the operation of this section.

A convict who has been sentenced to penal servitude shall not during the time when he is at large under a licence granted under the said Penal Servitude Acts, or any of them, be deemed for the purposes of this section to be undergoing his punishment.

9. *Amendment of section 4 of the Vagrant Act, 5 Geo. 4, c. 83.*] And whereas by the 4th section of the Act passed in the 5th year of the reign of King George the Fourth, chapter 83, intituled "An Act for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England," it is, amongst other things, provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: and whereas doubts are entertained as to the nature of the evidence required to prove for the purposes of the said section the intent to commit a felony: be it enacted that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justices or magistrate, it appears to such justices or magistrate that his intent was to commit a felony.

10. *Penalty for harbouring thieves, &c. 25 & 26 Vict. c. 101, s. 337.*] Every person who occupies or keeps any lodging-house, beerhouse, public house, or other place where excisable liquors are sold, or place of public entertainment or public resort, and knowingly lodges or harbours thieves or reputed thieves, or knowingly permits or suffers them to meet or assemble therein, or allows the deposit of goods therein, having reasonable cause for believing them to be stolen, shall be liable, on summary conviction, to a penalty not exceeding £10, and the justices or magistrate before whom he is brought may, if they or he think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

1. Provided that no person shall be imprisoned for not

finding sureties in pursuance of this section for a longer period than three months:

2. The security required from a surety shall not exceed £20:

And any licence for the sale of any exciseable liquors or for keeping any place of public entertainment or public resort which has been granted to the occupier or keeper of any such house or place as aforesaid shall be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this section have taken place within a period of two years in respect of the same premises, whether the persons convicted were or were not the same, the justices or magistrate may, if they or he so think fit, direct that for a term not exceeding one year from the date of the last of such convictions no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section by the excise or otherwise shall be void.

PART IV.

Receivers of stolen goods.

11. *Burden of proof in cases of receiving stolen goods.* Where any person who either before or after the passing of this Act has been previously convicted of any offence specified in the first schedule hereto, and involving fraud or dishonesty, is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods have been stolen; and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods; provided that not less than seven days' notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary.

Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.

Any constable or police officer may, if authorized so to do in writing by a chief officer of police, enter any house, shop, warehouse, yard, or other premises in search of stolen goods, and make such search and seize and secure any property he may believe to have been stolen, in such manner as he would be authorized to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant: provided that in every case in which any property is seized, the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned within three days before a justice of the peace or other competent magistrate to account for his possession of such property, and such justice or other magistrate shall make such order respecting the disposal of such property as the justice of the case may require; and it shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases:

First. When such premises are at, or have been within eighteen months of, the time of such search in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves:

Second. When such premises are at the time of such search in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment:

And it shall not be necessary for such chief officer of police in giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

PART V.

Assaults on police.

12. *Assaults on police.* Where any person is convicted of

an assault and battery on any constable or police or peace officer when in the execution of his duty, such person shall, on summary conviction before two or more justices, or one stipendiary magistrate, be liable either to pay a penalty not exceeding £20, and in default of payment to be imprisoned for a term not exceeding six months, or, in the discretion of the Court, to be imprisoned for any term not exceeding six months, with or without hard labour.

PART VI.

General provisions.

13. *Power to remand.* Any person accused of an offence punishable on summary conviction under this Act may be remanded from time to time by the justices or magistrate before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause.

14. *Forms in schedule.* The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

15. *Constabulary station to include police stations in Dublin.* The term "constabulary station" in section 4 of the Penal Servitude Act, 1864, shall include any police station within the police district of Dublin metropolis.

16. *Children of convicts.* The provisions of the Industrial Schools Act, 1861, shall apply to all the children under the age of fourteen years of any woman who shall be convicted for the second time of any offence specified in the first schedule hereto, when such children shall at the time of the conviction be under her care and control, and have no visible means of subsistence.

17. *Penalty on dealer in old metals.* Any dealer in old metals as defined in the Old Metal Dealers Act, 1861, who shall either personally or by any servant or agent purchase, receive, or bargain for lead, whether new or old, in any quantity at one time of less weight than 112 pounds, or who shall personally or by any servant or agent purchase, receive, or bargain for copper, whether new or old, in any quantity at one time of less weight than 56 pounds, shall be liable to a penalty of £5, to be recovered in the same manner as penalties incurred under the said recited Act are therein directed to be recovered.

FIRST SCHEDULE.

Any felony not punishable with death also, or the offence of uttering false or counterfeit coin or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or misdemeanor under the 58th section of the 24th and 25th Victoria, chapter 96.

SECOND SCHEDULE.

Robbery, theft, assault with intent to rob, seditious, falsehood, fraud, and wilful imposition, obtaining goods or money by false pretences, uttering false or counterfeit coin.

THIRD SCHEDULE.

FORMS.

CAP. C.

An Act to facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes. [11th August, 1869.

CAP. CI.

An Act for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land. [11th August, 1869.

CAP. CII.

An Act for making further provision respecting the borrowing of money by the Metropolitan Board of Works, and for other purposes connected therewith. [11th August, 1869.

CAP. CIII.

An Act to amend the law relating to the warehousing of wines and spirits in Customs and Excise warehouses, and for other purposes relating to Customs and Inland Revenue. [11th August, 1869.]

CAP. CIV.

An Act for facilitating the payment of dividends on the public Stocks, and for making regulations with respect thereto. [11th August, 1869.]

Whereas it is expedient to give greater facilities for the payment of dividends on the public stocks, and to make further regulations in respect thereto:

Be it enacted, &c.

1. *Short title.*] "The Dividends and Stock Act, 1869."
2. *Power to send dividend warrants by post.*
3. *Posting a warrant. Request of stockholder equivalent to delivery to him.*
4. *Change of day on which dividends on stocks fall due (October 5 for October 10).*
5. *Audit of dividends.*
6. *Definition of terms.*

CAP. CV.

An Act for empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the harbour of Galle, in the colony of Ceylon. [11th August, 1869.]

CAP. CVI.

An Act to enable the Secretary of State in Council of India to raise money in the United Kingdom for the Service of the Government of India. [11th August, 1869.]

CAP. CVII.

An Act to amend the Metropolitan Commons Act, 1866. [11th August, 1869.]

Be it enacted, &c.

1. *Short title.* "The Metropolitan Commons Amendment Act, 1869."
2. *Extension of interpretation of term "common" in 29 & 30 Vict. c. 122, to include "and any land subject to be included under the provisions of the 8th & 9th Victoria, chapter 118.*
3. *Extension of right to memorialise,—any twelve ratepaying inhabitants.*

CAP. CVIII.

An Act to amend "The Sanitary Act, 1866," so far as the same relates to Ireland. [11th August, 1869.]

CAP. CIX.

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in the two universities the presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence. [11th August, 1869.]

CAP. CX.

An Act for amending the Charitable Trusts Act. [11th August, 1869.]

Whereas doubts have arisen respecting the construction of some provisions of the Charitable Trusts Acts, and it is expedient to remove such doubts and otherwise to amend those Acts:

Be it enacted, &c.

Preliminary.

1. *Short title.*] This Act may be cited as "The Charitable Trusts Act, 1869."

2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Act to be construed with 16 & 17 Vict. c. 137, 18 & 19 Vict. c. 124, 23 & 24 Vict. c. 136, 25 & 26 Vict. c. 112.*] This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Charitable Trusts Act, 1853, the Charitable Trusts Amendment Act, 1855, and the Charitable Trusts Act, 1860, and the Act of the session of the 25th and 26th years of the reign of her present Majesty, chapter 112, "for establishing the jurisdiction of the Charity Commissioners in certain cases" (which may be cited as the Charitable Trusts Act, 1862), and those Acts, together with this Act, may be cited as the Charitable Trusts Acts, 1853 to 1869.

4. *Amendment of section 3 of 23 & 24 Vict. c. 136, s. 3.*] A notice under section 3 of the Charitable Trusts Act, 1860, need not be sent by the Board of Charity Commissioners for England and Wales to any trustee or administrator of a charity who has been party or privy to the application to the Board upon which they exercise their jurisdiction.

5. *Mode of application to Board.*] An application to the Board of Charity Commissioners for England and Wales, for the purposes of the Charitable Trusts Acts, 1853 to 1869, when made by the trustees or persons acting in the administration of the charity, may be made in writing signed by any person authorised in that behalf by a resolution passed by a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question.

6. *Powers of Board on application.*] The Board shall be deemed to have and to have always had power in any order made upon an application to them, for the exercise of their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, to insert in the order any incidental provisions which they think expedient for carrying into effect the substantial objects of the application, and which they would have had power to insert if such provisions had been included in the application.

7. *Notice of order.* 23 & 24 Vict. c. 136, s. 6.] Nothing in the Charitable Trusts Acts, 1853 to 1869, shall be deemed to require or to have required the Board, upon modifying a proposed order in manner provided by section 6 of the Charitable Trusts Act, 1860, after the publication thereof, to give public notice of such modified order in the manner provided by that section with respect to the order originally proposed, unless they think further notice desirable.

8. *Discharge of order of Board for irregularity.*] The Board shall be deemed to have and to have always had power with or without any application to discharge, within twelve months after an order is made by them, the whole or any part of any order appearing to have been made by them by mistake or misrepresentation, or otherwise than in conformity with the Charitable Trusts Acts, 1853 to 1869.

Every order made by the Board, in exercising their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, shall, until discharged or varied by the Board or by the Court of Chancery on appeal under section 8 of the Charitable Trusts Act, 1860, have effect according to its tenor.

Every order of the Board shall, subject to all powers which the Court of Chancery has to discharge or vary it, under section 8 of the Charitable Trusts Act, 1860, and subject to the power of the Board to discharge it wholly or partially for the causes mentioned in this section, be deemed to have been duly and formally made, and no objection thereto on the ground only of irregularity or informality shall be entertained.

9. *Employment of persons to prepare and defend scheme.*] The Board, if they think it desirable, where the gross annual income of a charity is in their opinion sufficient to bear the expense, may, upon the application of the trustees or of any other person or persons entitled to apply to them in that behalf, employ or may authorise the trustees or persons acting in the administration of such charity to employ skilled and competent persons to prepare any scheme, order, statement, or other proceeding for the purposes of the Charitable Trusts Acts, 1853 to 1869, with respect to such charity, or to make or assist in any survey or local inquiry

with reference thereto, and may order the costs incurred under this section or upon any inquiry by an inspector, or in consequence of the employment of any person to appear on behalf of the respondent upon any appeal against any scheme or order, to be provided in the same manner as if they were costs of a transaction mentioned in section 36 of the Charitable Trusts Act, 1855.

10. *Appeals under 23 & 24 Vict. c. 136.* A petition to the Court of Chancery under section 8 of the Charitable Trusts Act, 1860, may be presented in the case of all charities by the same persons only as in the case of a charity the gross annual income of which does not exceed £50.

11. *Service of Attorney-General by appellant under section 8 of 23 & 24 Vict. c. 136, s. 8.* A petition shall not be presented to the Court of Chancery by any person under section 8 of the Charitable Trusts Act, 1860, before the expiration of twenty-one days after written notice under the hand of the appellant of his intention to present such petition has been served on the Attorney-General by delivering the same to the solicitor who acts for him in *ex officio* proceedings relating to charities.

12. *Legal power of majority of trustees to deal with charity estates.* Where the trustees or persons acting in the administration of any charity have power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity, a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question shall have and be deemed to have always had full power to execute and do all such assurances, acts, and things as may be requisite for carrying any such sale, exchange, partition, mortgage, lease or disposition into effect, and all such assurances, acts, and things shall have the same effect as if they were respectively executed and done by all such trustees or persons for the time being and by the official trustee of charity lands.

13. *Legal proceedings by trustees of charities for protection of charity property, &c.* The majority of the trustees of any charity, if authorized by the Board, may institute and maintain any action, suit, petition, or other proceeding in the same manner in all respects as if they were the sole trustees of the charity.

Where the trustees, or the majority of the trustees, of any charity, institute and maintain any action, suit, petition, or other proceeding under the authority of the Board, such action, suit, petition, or other proceeding shall not abate or become discontinued or of no effect by reason of the death or removal from office of any of the trustees, or of the addition of any new trustee, but shall continue and have effect for and against the trustees for the time being of the charity, in the same manner as if they were actually named therein.

14. *Application by exempted charities to have benefit of Act.* See 16 & 17 Vict. c. 137, s. 3.] Either the trustees or the persons acting in the administration of any charity exempted from the operation of the Charitable Trusts Acts, 1853 to 1869, may apply to the Board to have the said Acts or any provisions thereof specified in the application extended to such charity. Such application shall be made by such of the said trustees or persons as having regard to the value of the charity might under the provisions of the said Acts, if the charity were not exempted therefrom, make an application for a scheme to any judge or court or to the Board, and shall be made in the same manner and according to the same regulations as such application.

On any such application the Board may make an order directing that the said Acts or any provisions of them specified in the application shall extend, and such Acts or provisions shall thereupon after the date of the order extend to such charity in the same manner as if it were not exempted therefrom.

Before making any order under this section the Board shall cause such notices of the proposed order to be given as by section 3 of the Charitable Trusts Act, 1860, as amended by this Act, and by section 6 of the same Act, are required to be given before the making of an order for establishing a scheme.

15. *Extension of part of Acts to registered places of religious worship.* So much of the Charitable Trusts Acts, 1853 to 1869, as authorizes and relate to orders of the Board for the appointment or removal of trustees of a charity, or for or relating to the vesting of any real or personal estate belonging thereto, or for the establishment of any scheme for the administration of any charity,

shall extend to buildings registered as places of meeting for religious worship with the Registrar-General of Births, Deaths, or Marriages in England, and *bona fide* used as places of meeting for religious worship: Provided that no such order shall be made except upon the application of the trustees or persons acting in the administration of the charity, made in manner provided by section 4 of the Charitable Trusts Act, 1860, or by this Act. Save as provided by this section, such buildings shall continue exempted from the Charitable Trusts Acts, 1853 to 1869.

16. *Treasury to fix scale of fees. Scales to be laid before Parliament.* The Lords Commissioners of her Majesty's Treasury may from time to time prescribe a scale of fees to be charged for any business done by the Board under this or any other Act, and may direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated; and before any such fees shall be taken or received by the said Charity Commissioners every such scale of fees shall be published in the *London Gazette*. The scale of fees shall be laid before both Houses of Parliament within thirty days after the same has been so prescribed if Parliament is then sitting, and if not, within thirty days after the then next meeting of Parliament; and if any such scale shall be disapproved of by both Houses of Parliament within one month after the same shall have been so laid before Parliament, such fees or such parts thereof as shall be disapproved of shall not be charged by the Board.

17. *Repeal.* The enactments described in the schedule to this Act are hereby repealed: provided that,

1. This repeal shall not affect anything already done or suffered, or any right acquired or order made, under such enactments:
2. Any proceedings already commenced under the enactments hereby repealed shall be proceeded with in the same manner as if this repeal had not been made.

SCHEDULE.

16 & 17 Vict. c. 137. An Act for the better administration of charitable trusts—In part: namely, section 63.

23 & 24 Vict. c. 136. An Act to amend the law relating to the administration of endowed charities—In part: namely, section 16.

CAP. CXI.

An Act for the relief of archbishops and bishops when incapacitated by infirmity.

[11th August, 1869.]

Whereas it is expedient to provide for the relief of archbishops and bishops who by reason of age or any mental or bodily infirmity may be permanently incapacitated from the due performance of their episcopal duties:

Be it therefore enacted, &c.

Preliminary.

1. *Short title.* This Act may be cited for all purposes as "The Bishops Resignation Act, 1869."

Resignation.

2. *As to resignation of bishops.* On a representation being made to her Majesty, in manner herein-after mentioned, that any archbishop or bishop in England is desirous of resigning his archbishopric or bishopric by reason that he is incapacitated by age or some mental or permanent physical infirmity from the due performance of his duties as archbishop or bishop, it shall be lawful for her Majesty, if satisfied of such incapacity, and that such archbishop or bishop has canonically resigned, by Order in Council to declare such archbishopric or bishopric to be vacant, and thereupon such vacancy may be filled up in the same manner and with the same incidents in all respects as if such archbishop or bishop were dead, with the exceptions following; that is to say,

1. There shall be paid, by the year, to the retiring archbishop or bishop, out of the revenue of the archbishopric or bishopric, and as a first charge thereon in the hands of the successor, such one of the two sums herein-after mentioned as may be the greater, that is to say, one-third part of the income enjoyed by the retiring archbishop or bishop before his retirement, or £2,000; such yearly sums to accrue due from day to day, but to be payable half-yearly: provided that if in the case of the retirement of any bishop appointed before the year 1832 such retiring allow-

ance shall exceed the sum of £2,000, the excess shall be paid by the Ecclesiastical Commissioners for England out of their common fund.

2. Her Majesty may, upon special grounds by the Order in Council declaring the archbishopric or bishopric to be vacant, or by any subsequent Order in Council, assign to the retiring archbishop or bishop for his residence during his life, any episcopal residence hitherto occupied by him.
3. With the exception of the necessary expenses of his election and consecration, an archbishop or bishop succeeding to a retiring archbishop or bishop in pursuance of this section shall not be required to pay the fees and charges usually payable on accession to an archbishopric or bishopric until the death of the retiring archbishop or bishop.

For the purposes of this section a representation shall be made to her Majesty, in the case of a bishop desirous of resigning, by the archbishop of the province at the instance of the bishop, and in the case of an archbishop by such archbishop himself.

Bishops coadjutor.

3. *Proceedings to prove the incapacity of a bishop.* If it appears to any archbishop on credible evidence that any bishop within his province is incapacitated by reason of permanent mental infirmity from the due performance of his episcopal duties, he shall call to his aid two bishops of his province, and such archbishop and bishops shall inquire into the existence of such incapacity, and if satisfied thereof shall certify under their hands and seals the fact to one of her Majesty's Principal Secretaries of State, together with the evidence on which their certificate is founded.

4. *Appointment of bishop coadjutor.* Upon the receipt of such certificate it shall be lawful for her Majesty to grant to the dean and chapter of the diocese a licence to proceed to the election of a bishop coadjutor, accompanied by a letter missive from her Majesty containing the name of the person whom her Majesty may desire to be appointed bishop coadjutor of the diocese to which the bishop certified to be incapacitated belongs, and the dean and chapter shall thereupon proceed in reference to the election of the person named as bishop coadjutor in the same manner in all respects as if a licence had been granted to them to proceed to the election of a bishop, accompanied by the usual letter missive, and the person named as bishop coadjutor, when so elected, shall be confirmed and consecrated a bishop in like manner as if the bishopric of the incapacitated bishop were vacant.

5. *Relative positions of bishop and bishop coadjutor.* The following enactments shall be made with respect to the relative positions of the incapacitated bishop, in this Act referred to as the bishop, and his bishop coadjutor:

1. The bishop shall retain his rank, style, and privilege:
2. Subject to the annual payment by this Act directed to be made to the bishop coadjutor, the bishop shall retain all the temporalities of his see, except the patronage:
3. The bishop coadjutor shall not as such either be installed or sue the temporalities of the see out of the Queen's hands, or acquire any title to sit in the House of Lords. He shall be styled the bishop coadjutor of the diocese to which he is attached, and may subscribe himself by his usual signature with the addition of bishop, but not by the name of the diocese:
4. The bishop coadjutor shall not as such be required to pay any fees except the necessary expenses of his election and consecration:
5. Immediately upon the consecration of a bishop coadjutor the spiritualities of the see and the patronage of the bishop shall pass to and vest in the bishop coadjutor, in the same manner and to the same extent as if he were the sole bishop, and such bishop shall for all purposes and in all respects, except as by this Act otherwise provided, be deemed to be sole bishop of the diocese in which he is appointed bishop coadjutor:
6. There shall be paid to the bishop coadjutor out of the episcopal income of the bishop the sum of £2,000 by the year:
7. The said sum of £2,000 shall be deemed to be a first charge on the income of the bishop, and to accrue due from day to day, but to be payable half-yearly.

8. Upon the death of the bishop the bishop coadjutor shall succeed to his bishopric with the same ceremonies, upon the same payments, and in the same manner in all respects, except consecration, as if her Majesty had granted to the dean and chapter of the diocese a licence to proceed to the election of a bishop, and such licence had been accompanied by a letter missive of her Majesty naming the bishop coadjutor as the person whom the dean and chapter were required to elect and choose.
9. When a bishop coadjutor has been appointed, and the bishop dies, no vacancy shall be created in the spiritualities of the bishopric to which the bishop coadjutor succeeds, but such spiritualities shall, in the case of the bishop coadjutor succeeding to the deceased bishop, remain vested in the bishop coadjutor.

Supplemental provisions.

6. *Conduct of inquiry.* The persons authorised under this Act to make an inquiry into the incapacity of a bishop shall give notice to the registrar of the diocese of a time and place at which the inquiry will be made, and the registrar, or any person authorised by or on behalf of the incapacitated bishop, may attend such inquiry, and produce such evidence on behalf of the bishop as he thinks fit, and cross-examine the witnesses adduced to prove his incapacity and generally conduct the case on behalf of the bishop. The persons conducting the inquiry, or any of them, may examine witnesses on oath or not, in writing or orally, as they think expedient, and any person when examined by such persons who wilfully makes a false statement, whether on oath or not, shall be guilty of a misdemeanour. Any person refusing to give evidence when required, after a tender of his reasonable expenses, may be certified by any person conducting such inquiry to have so refused to any judge of one of her Majesty's superior courts of law or equity, and such judge may deal with such person in the same way as if he had refused to give evidence in a proceeding instituted in the court of which he is judge.

7. *Proof of incapacity of bishop.* If any bishop has been found by due process of law to be a lunatic or of unsound mind, the archbishop may dispense with an inquiry and certify to her Majesty under his hand and seal the incapacity of such bishop, and such certificate shall for the purposes of this Act have the same effect in all respects as if it were the certificate of the archbishop and two bishops made in pursuance of this Act.

8. *Expenses of an inquiry.* The expenses of an inquiry under this Act into the incapacity of a bishop shall be certified under the hands of any two persons authorised to conduct the inquiry, and when so certified shall be defrayed out of the revenues of the bishopric.

9. *Apportionment of first fruits and tenths.* The annual charge payable in respect of first fruits and tenths shall, in the case of the appointment of any bishop coadjutor, be paid by such coadjutor and the bishop in proportion to the income received by them respectively in pursuance of this Act.

10. *Death or resignation of a bishop coadjutor.* If any bishop coadjutor dies or resigns the same consequences shall ensue, and the same powers in relation to a bishop coadjutor shall accrue to her Majesty as upon the receipt of a certificate under this Act that the bishop of the diocese is incapacitated by mental infirmity from the due performance of his episcopal duties.

Sodor and Man.

11. *Application of Act to the bishopric of Sodor and Man.* This Act shall apply to the bishopric of Sodor and Man in the same manner in all respects as if it were a bishopric in England, with the following exceptions:—

1. If the Bishop of Sodor and Man resign, his retiring pension shall be £1,000 a-year.
2. If a coadjutor be appointed to the Bishop of Sodor and Man the yearly sum payable to such bishop coadjutor shall be £1,000 a-year:
3. The Bishop of Sodor and Man shall not be translated to any diocese of which a bishop coadjutor has been appointed.

Application of Act to archbishops.

12. *Application of the Act to archbishops.* A bishop coadjutor may be appointed in the case of an archbishop

being incapacitated by reason of permanent mental infirmity from the due performance of his duties, in the same manner in all respects as if such archbishop were a bishop and his archbishopric a bishopric, and all the provisions of this Act shall apply accordingly with the following additions and exceptions:

1. That where the incapacity of an archbishop is in question there shall in the enquiry be substituted for the archbishop such bishop of his province as her Majesty may by sign manual determine, on its being certified to her Majesty by any two bishops of the province that the archbishop is incapacitated by permanent mental infirmity from the due performance of his duties, and the nominee of her Majesty shall in all respects for the purposes of this Act exercise the powers of an archbishop:
2. That in the case of the Archbishop of York the bishop coadjutor shall be entitled to a salary of £3,000 a-year, and in the case of the Archbishop of Canterbury to a salary of £4,000 a-year:
3. That the archiepiscopal jurisdiction capable of being exercised by the archbishop shall be exercised by the bishop of the province who is senior in rank.

Translation of bishops.

13. *Provision as to translation of bishops.* Notwithstanding the appointment of a bishop coadjutor, her Majesty may in the case of the archbishopric of Canterbury, the archbishopric of York, or any of the bishoprics of London, Durham, or Winchester, on the death of the archbishop or bishop, exercise the same right of translation as if no bishop coadjutor had been appointed, so that such right be so exercised as to leave an archbishopric or bishopric vacant for the bishop coadjutor, and in the event of any translation or translations taking place the bishop coadjutor shall be entitled to succeed to any archbishopric or bishopric thereby left vacant in the same manner in all respects as if he were a bishop and not a bishop coadjutor, and had been translated to such vacant archbishopric or bishopric.

Definitions.

14. *Definitions.* In this Act,—

“Temporalities” shall include all real and personal property held by any archbishop or bishop as such, and all fees and emoluments receivable by him by virtue of his office:

“Spiritualities” shall include all episcopal and other jurisdiction of whatever description exercisable by an archbishop or bishop:

“Patronage” shall include all advowsons, rights of presentation to benefices, and any ecclesiastical or cathedral preferment or dignity, and all other appointments to office exercisable by an archbishop or bishop by reason of his office.

Repeal.

15. *Repeal of 6 & 7 Viet. c. 62.* There shall be repealed the Act of the session of the 6th and 7th years of the reign of her present Majesty, chapter 62, intitled “An Act to provide for the performance of the episcopal functions in case of the incapacity of any bishop or archbishop;” provided that such repeal shall not affect any proceeding commenced, any right acquired, or any act or thing duly done, under such repealed Act.

16. *Duration of Act.* This Act shall remain in force for two years, and further until the end of the then next ensuing session of Parliament; but notwithstanding the expiration of this Act all matters and things made and done during its continuance shall remain valid and effectual, and all payments consequential thereon shall continue to be made as if this Act had not expired.

CAP. CXII.

An Act to prevent the adulteration of seeds.

[11th August, 1869.

CAP. CXIII.

An Act to prohibit for a limited period the importation, and to restrict and regulate the carriage, of nitro glycerine.

[11th August, 1869.

CAP. CXIV.

An Act to amend the law relating to the abandonment of railways and the dissolution of railway companies.

[11th August, 1869.

Whereas by the provisions of the Abandonment of Railways Act, 1850, as revised and amended by the Railway Companies (Scotland) Act, 1867, and the Railway Companies Act, 1867, a railway company may, if their whole railway is authorised to be abandoned, be wound up under the Companies Act, 1862; and doubts have arisen whether such company can be so wound up on the petition of a creditor, or of any person except a shareholder, and it is expedient to remove such doubts, and otherwise to amend the said Acts:

Be it enacted, &c.,

1. *Short title.* This Act may be cited as “The Abandonment of Railways Act, 1869.”

2. *Interpretation.* In this Act “the court” means the High Court of Chancery in England, the Court of Chancery in Ireland, or the Court of Session in Scotland, according as the railway was authorised to be made in England, Ireland, or Scotland respectively.

3. *Construction of Act.* 13 & 14 Viet. c. 83. 30 & 31 Viet. cc. 126, 127.] This Act shall be construed as one, so far as it extends to Scotland, with the Abandonment of Railways Act, 1850, as amended by the Railway Companies (Scotland) Act, 1867, and, so far as it extends to England or Ireland, with the Abandonment of Railways Act, 1850, as amended by the Railway Companies Act, 1867, and those Acts are in this Act referred to as the principal Acts.

4. *Petition for winding-up of railway company may be presented under 25 & 26 Viet. c. 89, and 30 & 31 Viet. c. 131.* Where a warrant has been granted under the principal Acts for the abandonment of the whole railway of any railway company, a petition for winding up the affairs of such company may be presented, under the Companies Acts, 1862 and 1867, by the company, or by any person who, under the last-mentioned Acts, is authorised to present a petition for winding up a company, or by any person upon whose application the Board of Trade may proceed in pursuance of section 32 of the Railway Companies (Scotland) Act, 1867, and the Railway Companies Act, 1867, as the case may be, and for that purpose the railway company whose railway is so authorised to be abandoned shall be deemed to be an unregistered company which may be wound up under the Companies Acts, 1862 and 1867, and the provisions of the principal Acts which remain in force relating to winding-up shall be construed as if the Companies Acts, 1862 and 1867, and the winding-up provided by this section, were therein referred to.

5. *Application of deposit, &c.* If the warrant for the abandonment was made on condition that the money deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway, or for payment of money in default thereof, should be applied as part of the assets of the company, the court may, if it think fit, direct that such money, stocks, funds, and securities shall not be applicable for the payment of any debt or part of a debt which, regard being had to what is fair and reasonable as between all the parties interested under all the circumstances of the case, appears to the court to have been incurred on account of the promotion of the company.

Any person who provided such money or any part thereof, or who entered into such bond, may, subject to any directions or rules of the court, attend all proceedings under this section, and other proceedings in the winding-up, and apply to the court to act under this section.

6. *Transfer of deposit and assignment of bond.* Where the warrant for abandonment is made on condition that the money deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway or for payment of money in default thereof, shall be applied as part of the assets of the company, the following provisions shall have effect:—

1. The court in which the company is being wound up may order such money, stocks, funds, or securities,

or so much thereof as is required to be applied as assets of the company, to be paid, transferred, or delivered out to the official liquidator, and unless the court is satisfied that the same or any part thereof are not required to be applied as assets, shall not order the same or any part thereof to be paid, transferred, or delivered out to any other person :

2. The Commissioners of her Majesty's Treasury, upon the application of the official liquidator, made with the sanction of the court, may, if they think fit, assign the bond to the official liquidator, and upon such assignment the bond shall be deemed to have been entered into with the official liquidator in his official name, and with his successors in that office, and may, subject to the sanction of the court, be enforced accordingly :
3. Any bond so assigned may, after a sufficient sum has been paid thereunder as assets of the company, be cancelled by the court.

7. *Saving for rights to residue of deposit.* Nothing in the principal Acts or in this Act shall affect any right to that part of the money deposited as security for the completion of the railway, or of the stocks, funds, or securities on which the same is invested, or of the money secured by any bond conditioned for the completion of the railway, which is not applied in payment of the debts and liabilities of the company, or required for that purpose.

8. *Application for abandonment by judgment creditor.* Where a company, no part of the railway of which is open for traffic, has been required by any judgment or order of any court to pay a sum of money to any person or body corporate, and has made default in such payment, the Board of Trade may proceed under the principal Acts, upon the application of such person or body, in the same manner as

if such person or body were mentioned in that behalf in the said section.

9. *Notices under section 17 of 13 & 14 Vict. c. 83.* The notice given in pursuance of section 17 of the Abandonment of Railways Act, 1850, may, where there is no secretary of the company, or no office of the company, require claims or demands to be sent to such person or to such place as the Board of Trade direct.

10. *Repeal of winding-up sections of 13 & 14 Vict. c. 83.* Section 29 of the Abandonment of Railways Act, 1850, from "and they shall accordingly" to the end of that section, and sections 30—33 of the Abandonment of Railways Act, 1850, and so much of section 31 of the Railway Companies (Scotland) Act, 1867, and of the Railway Companies Act, 1867, respectively, as amends the said sections, are hereby repealed, without prejudice to anything already done thereunder ; and all proceedings commenced in pursuance of those sections shall be continued under the provisions of this Act.

CAP. CXV.

An Act for amending the law relating to hackney and stage carriages within the metropolitan police district.
[11th August, 1869.]

CAP. CXVI.

An Act to amend the Titles to Land Consolidation (Scotland) Act, 1868.
[11th August, 1869.]

CAP. CXVII.

An Act to amend the Pharmacy Act, 1868.
[11th August, 1869.]

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32 & 33 VICTORIE.

SHOWING WHETHER THEY RELATE TO THE WHOLE OR TO ANY PART OF THE UNITED KINGDOM.

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* * E. Signifies that the Act relates to England (and Wales, if the subject extends so far).—S. to Scotland.—I. to Ireland.—E. & I. to England and Ireland.—G.B. to Great Britain.—G.B. & I. to Great Britain and Ireland.—U.K. to the whole of the United Kingdom.

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- BEHAR CANAL. See East India Irrigation and Canal Company.
- BENEFICES. See Presentation of Benefices, &c.
- BIRDS; for the preservation of sea birds—G.B. & I. c. 17.
- BISHOPS' RESIGNATION; for the relief of archbishops and bishops when incapacitated by infirmity—E. c. 111.... 55
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- BRAZILIAN SLAVE TRADE; for repealing the Act 8 & 9 Vict. c. 122, for carrying into execution a convention with Brazil for the abolition of the African slave trade—U.K. c. 2.
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- BURIAL GROUNDS; to extend to burial grounds the provi-

- sions of the Act 13 & 14 Vict. c. 28, "to render more simple and effectual the titles by which congregations and societies for purposes of religious worship or education in England and Ireland hold property for such purposes"—E. & I. c. 26.
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- CARRIAGE OF NITRO GLYCERINE**; to prohibit for a limited period the importation, and to restrict and regulate the carriage, of nitro glycerine—G.B. & I. c. 113.
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- CATTLE, DISEASES AMONG**; to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of contagious or infectious diseases among cattle and other animals in Great Britain—G.B. c. 70.. 26
- CEYLON**; for making better provision for the erection of a lighthouse on the Great Basses Rock in the colony of Ceylon, and for other purposes connected therewith—U.K. c. 77.
- for empowering the Public Works Loan Commissioners to advance a sum not exceeding £250,000 for the improvement of the harbour of Galle in the colony of Ceylon—U.K. c. 105.
- CHARITY COMMISSION**; for amending the Charitable Trusts Act—E. c. 110..... 54
- CHANCERY**; to abolish the office of curitor of the Court of Chancery in the palatine of Durham—E. c. 84.
- CHILDREN**.—See Orphan, &c., Children.
- CHURCH BUILDING ACTS**; to amend the New Parishes Acts and the Church Building Acts—E. c. 94..... 51
- CHURCH OF IRELAND**; to put an end to the Establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth—I. c. 42..... 17
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- CINQUE PORTS ACT**; to amend the Cinque Ports Act (18 & 19 Vict. c. 48). [Liabilities of the borough of Margate on its severance from the town and port of Dover]—E. c. 53.
- CIVIL SERVICE PENSIONS**; to remove doubts as to the qualification of persons holding civil service pensions, or receiving superannuation allowances, to sit in Parliament—U.K. c. 15.
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- COLONIAL PRISONERS REMOVAL**; for authorising the removal of prisoners from one colony to another for the purposes of punishment—U.K. c. 10.
- COLONIAL SHIPPING**; for amending the law relating to the coasting trade and merchant shipping in British possessions—U.K. c. 11..... 3
- COMMISSIONERS OF LAND TAX**; to appoint additional commissioners for executing the Acts for granting a land tax, &c.—G.B. c. 64.
- COMMISSIONERS OF PUBLIC WORKS**; to extend the period for the repayment of advances of public money for the construction of certain public works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public trusts—I. c. 74.
- COMMON PLEAS (LANCASTER)**; to authorise the appointment of District Prothonotaries of the Court of Common Pleas at Lancaster, and to provide for the better despatch of business therein—E. c. 37..... 14
- COMMONS, METROPOLIS**; to amend the Metropolitan Commons Act, 1866 (29 & 30 Vict. c. 122)—E. c. 107.
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- COMPANIES**; to amend the Companies Clauses Act, 1863 (26 & 27 Vict. c. 118). [Interest on Debenture Stock, &c.]—G. B. & I. c. 48..... 18
- See also Railways.
- CONSOLIDATED FUND**; to apply certain sums out of the Consolidated Fund to the service of the years ending 31st March, 1868, 1869, and 1870—U. K. c. 1.
- to apply the sum of £17,100,000 out of the Consolidated Fund to the service of the year ending 31st March, 1870—U. K. c. 8.
- to apply a sum out of the Consolidated Fund and the surplus of Ways and Means to the service of the year ending 31st March, 1870, and to appropriate the supplies granted in the session 1868-9—U. K. c. 93.
- CONSTABLES**.—See High Constables.
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- CONTAGIOUS DISEASES**; to amend the Contagious Diseases Act, 1866 (29 & 30 Vict. c. 35)—E. & I. c. 96.
- CONTAGIOUS DISEASES (ANIMALS)**; to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of contagious or infectious diseases among cattle and other animals in Great Britain—G. B. c. 70..... 26
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- COUNTY COURTS**; to amend the County Courts (Admiralty Jurisdiction) Act, 1868 (31 & 32 Vict. c. 71), and to give jurisdiction in certain maritime causes—E. c. 51..... 13
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- CRIMINALS, HABITUAL**; for the more effectual prevention of Crime—G. B. & I. c. 99..... 51
- CURSOR (PALATINE OF DURHAM)**; to abolish the office of curitor of the Court of Chancery in the palatine of Durham—E. c. 84.
- CUSTOMS AND EXCISE WAREHOUSING**. See Customs and Inland Revenue.
- CUSTOMS AND INLAND REVENUE**; to grant certain duties of Customs and Inland Revenue, and to repeal and alter other duties of Customs and Inland Revenue. [Corn, &c. income-tax, land-tax, fire insurance, excise licences, assessed taxes, &c.]—U.K. c. 14.
- to amend the law relating to the warehousing of wines and spirits in customs and excise warehouses, and for other purposes relating to customs and inland revenue.—U.K. c. 103.
- DANGEROUS STRUCTURES**. See Metropolitan Buildings.
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- DEBTORS, &c.**; for the abolition of imprisonment for debt, and the punishment of fraudulent debtors; and for other purposes.—E. c. 62..... 21
- to provide for the winding-up of the business of the

late Court for the Relief of Insolvent Debtors in England, and to repeal enactments relating to insolvency, bankruptcy, imprisonment for debt, and matters connected therewith—E. c. 83..... 42

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DRAINAGE, &c., OF LANDS; to amend the Drainage and Improvement of Lands (Ireland) Act, 1863 (26 & 27 Vict. c. 88), and to afford further facilities for the purposes thereof—I. c. 72.

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DURHAM, to abolish the office of cursitor in the palatine of Durham—E. c. 84.

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EAST INDIA IRRIGATION AND CANAL COMPANY; for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company, &c. [Transfer of the Orissa and Behar Undertakings.]—U. K. c. 7.

EAST INDIA LOAN; to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India—U.K. c. 106.

EDUCATION; to amend the law relating to endowed schools and other educational endowments in England, and otherwise to provide for the advancement of Education—E. c. 56..... 20

— for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118)—E. c. 58.

ELECTION COMMISSIONS; to amend the law relating to the payment of the expenses of commissioners of inquiry into corrupt practices at elections of members to serve in Parliament—G. B. & I. c. 21..... 9

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FINES AND FEES COLLECTION; to enable local authorities to collect fines and fees by means of stamps—E. c. 49.

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FISHERIES; to confirm an order made by the Board of Trade, under the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), relating to Langston, and to amend the 45th section of that Act. [Oyster and mussel fisheries.]—G. B. c. 31.

— to amend the Salmon Fishery (Ireland) Act, 1863 (26 & 27 Vict. c. 114), and the Acts continuing the temporary provisions of the same.—I. c. 9.

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FORTIFICATIONS (PROVISION FOR EXPENSES); for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the royal arsenals and dockyards and the harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced.—G. B. & I. c. 76.

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GALLE HARBOUR; for empowering the Public Works Loan Commissioners to advance a sum not exceeding £250,000 for the improvement of the harbour of Galle in the colony of Ceylon—U. K. c. 105.

GAMING; to provide for the prevention of gaming in public places in Scotland—S. c. 87.

GLYCERINE. See Nitro Glycerine.

GOVERNMENT OF INDIA; to amend in certain respects the Act 21 & 22 Vict. c. 106, for the better government of India—U. K. c. 97.

— to define the powers of the Governor-General of India in Council at meetings for making laws and regulations for certain purposes—U. K. c. 98.

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GREAT BASSES ROCK (CEYLON); for making better provision for the erection of a lighthouse on the, and for other purposes—U. K. c. 77.

GREENWICH HOSPITAL; to make better provision respecting Greenwich Hospital, and the application of the revenues thereof—U. K. c. 44.

HABITUAL CRIMINALS; for the more effectual prevention of crime—G. B. & I. c. 99..... 51

HACKNEY AND STAGE CARRIAGES; for amending the law relating to hackney and stage carriages within the metropolitan police district—E. c. 115.

HARBOUR OF GALLE LOAN; for empowering the Public Works Loan Commissioners to advance a sum not exceeding £250,000 for the improvement of the harbour of Galle in the colony of Ceylon—U. K. c. 105.

HIGH CONSTABLES; to provide for the discharge of the duties heretofore performed by high constables; and for the abolition of such office with certain exceptions—E. c. 47.

HOSPITAL (GREENWICH); to make better provision respecting Greenwich Hospital, and the application of the revenues thereof—U. K. c. 44.

HOSPITALS, &c.; to make provision for the better government and administration of hospitals and other endowed institutions in Scotland—S. c. 39.

IMPRISONMENT FOR DEBT; for the abolition of imprisonment for debt, for the punishment of fraudulent debtors, and for other purposes—E. c. 62..... 21

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INAM LANDS (INDIA); to render valid certain title deeds for Inam lands—U. K. c. 29.

INCOME TAX. See Inland Revenue.

INDIA. See Government of India. Inam Lands. Straits Settlements.

INFECTIOUS DISEASES—See Contagious Diseases.

INLAND REVENUE; to grant certain duties of customs and inland revenue, and to repeal and alter other duties of customs and inland revenue. [Corn, &c. Income Tax.

- Land Tax. Fire Insurance. Excise Licences. Assessed Taxes.]—U. K. c. 14. 5
- INLAND REVENUE; to amend the law relating to the warehousing of wines and spirits, and for other purposes relating to customs and inland revenue—U. K. c. 103.
- INSOLVENT DEBTORS', &c.; to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal enactments relating to insolvency, bankruptcy, imprisonment for debt, and matters connected therewith—E. c. 83 43
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- IRELAND, ACTS RELATING SPECIALLY TO. See Drainage, &c., of Lands. Dublin Freeman. Fisheries. Irish Church. Local Officers Superannuation. Medical Officers Superannuation. Militia. Orphan, &c., Children. Poor, &c. Public Parks. Public Works. Salmon Fisheries. Sanitary Act, 1866.
- IRISH CHURCH; to put an end to the establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth—I. c. 42..... 17
- IRISH FISHERIES. See Fisheries.
- JAMAICA LOANS; to provide for the better liquidation of certain loans raised under the guarantee of her Majesty for the service of the colony of Jamaica—U. K. c. 69.
- JUDICIAL STATISTICS; to provide for the collection of judicial statistics in Scotland—S. c. 33.
- JURIES; to amend the Court of Session Act, 1868 (31 & 32 Vict. c. 100), with respect to the exemption of lighthouse keepers, &c., from serving on juries—S. c. 36.
- JUSTICE, ADMINISTRATION OF. See Admiralty Jurisdiction. Bails. Bankruptcy. Clerks of Assize. Common Pleas (Lancaster). Court of Chancery (Durham). Courts of Justice. Criminal Lunatics. Debtors. Deputies of Magistrates. Deputies of Recorders. Evidence. Gaming. Habitual Criminals. High Constables. Insolvent Debtors. Judicial Statistics. Juries. Millbank Prison. Newspapers, &c. Prisoners Removal. Prisons. Stannaries. Trades Unions.
- JUSTICE, COURTS OF; for amending the law relating to the salaries, expenses, and funds of courts of law in England—E. c. 91..... 47
- LANCASTER. See Common Pleas (Lancaster).
- LAND TAX. See Inland Revenue.
- LAND TAX COMMISSIONERS NAMES; to appoint additional commissioners for executing the Acts for granting a land tax and other rates and taxes—G. B. c. 64.
- LAND, TITLES TO; for amending the Titles to Land Consolidation Act, 1868 (31 & 32 Vict. c. 101)—S. c. 116.
- LANDS CLAUSES CONSOLIDATION ACT; to amend the Land Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18). [Costs of arbitrations, &c.]—E. c. 18..... 4
- LANDS, DRAINAGE OF; to amend the Drainage and Improvement of Lands (Ireland) Act, 1863 (26 & 27 Vict. c. 88), and to afford further facilities for the purposes thereof—I. c. 72.
- LANGSTON; to confirm an order made by the Board of Trade under the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), relating to Langston, &c.—G. B. c. 31.
- LAW COURTS (SALARIES, &c.); for amending the law relating to the salaries, expenses, and funds of courts of law in England—E. c. 91..... 47
- LAW OF EVIDENCE; for the further amendment of the law of evidence [in actions for breach of promise and in suits for adultery]—E. & I. c. 68 23
- LICENCES. See Beerhouses. Inland Revenue.
- LIGHTHOUSE KEEPERS; to amend the Court of Session Act, 1868 (31 & 32 Vict. c. 100), in so far as the exemption of lighthouse keepers and their assistants from serving on juries is thereby abolished—S. c. 36.
- LIGHTHOUSE ON THE GREAT BASSES ROCK (CEYLON); for making better provision for the erection of, and for other purposes—U. K. c. 77.
- LOANS. See Canada. East India. Jamaica. Metropolitan Board of Works. Poor Law. Sanitary Act, 1866.
- LOCAL OFFICERS SUPERANNUATION; to enable corporate and other public bodies in Ireland to grant superannuation allowances to officers in their service in certain cases—I. c. 79.
- LOCAL STAMP ACT; to enable local authorities to collect fines and fees by means of stamps—E. c. 49.
- LUNATICS, CRIMINAL; to amend the law (30 & 31 Vict. c. 12) relating to criminal lunatics—E. c. 78. 4
- MAGISTRATES' DEPUTIES. See Stipendiary Magistrates' Deputies.
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- MARINE MUTINY; for the regulation of her Majesty's Royal Marine Forces while on shore—U. K. c. 5.
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- MARRIAGES. See Park Gate Chapel Marriages.
- MAYNOOTH COLLEGE; to put an end to the establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth—I. c. 42. 17
- MEDICAL OFFICERS' SUPERANNUATION; to provide for Superannuation allowances to medical officers of poor law unions, and of dispensary districts of such unions, in Ireland—I. c. 50.
- MEDICAL PRACTITIONERS. See Pharmacy Act.
- MEMBERS OF PARLIAMENT; to remove doubts as to the qualification of persons holding civil service pensions, or receiving superannuation allowances, to sit in Parliament—U. K. c. 15.
- MERCHANT SHIPPING (COLONIAL); for amending the law relating to the coasting trade and merchant shipping in British possessions—U. K. c. 11..... 4
- METROPOLITAN BOARD OF WORKS; for making further provision respecting the borrowing of money by the Metropolitan Board of Works, and for other purposes connected therewith—E. c. 102.
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- METROPOLITAN BUILDINGS; to amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122). [Transfer of powers over dangerous structures from Commissioners of Police to Metropolitan Board of Works.]—E. c. 82.... 49
- METROPOLITAN COMMONS; to amend the Metropolitan Commons Act, 1866 (29 & 30 Vict. c. 122)—E. c. 107.
- METROPOLITAN POLICE DISTRICT. See Metropolitan Public Carriages.
- METROPOLITAN POOR; to amend the Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6)—E. c. 63. 31
- METROPOLITAN PUBLIC CARRIAGES; for amending the law relating to hackney and stage carriages within the metropolitan police district—E. c. 115.
- MILITARY OFFENDERS; to enable them to be confined in Millbank Prison—E. c. 95.
- MILITIA; for amending the law relating to the militia—G. B. & I. c. 13.
- to continue and amend the Act 31 & 32 Vict. c. 76, to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain and Ireland; to grant allowances in certain cases to subaltern officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, and surgeons' mates of the militia; &c.—G. B. & I. c. 66.
- to amend the Militia (Ireland) Act, 1854 (17 & 18 Vict. c. 107), as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the militia when not embodied—I. c. 80.
- MILLBANK PRISON; to enable military offenders to be confined in Millbank Prison—E. c. 95.
- MINING PARTNERSHIPS; for amending the law relating to mining partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries—E. c. 19. 5
- MISAPPROPRIATION OF FUNDS. See Trades Unions.
- MUNICIPAL FRANCHISE; to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes—E. c. 55. 10
- MUSSEL FISHERIES. See Fisheries.
- MUTINY; for punishing mutiny and desertion, and for the better payment of the army and their quarters—U. K. c. 4.
- for the regulation of her Majesty's Royal Marine Forces while on shore—U. K. c. 5.
- NAPIER'S (LORD) SALARY; to enable Lord Napier of Magdala to receive the full benefit of the salary of member of council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an annuity granted to him under the Act 31 & 32 Vict. c. 91—U. K. c. 3.

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NAVAL STORES; for the protection of naval stores—E. c. 12.

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NEWSPAPERS, &c.; to repeal certain enactments relating to newspapers, pamphlets, and other publications, and to printers, typefounders, and reading rooms—G. B. & I. c. 24. 6

NITRO GLYCERINE; to prohibit for a limited period the importation, and to restrict and regulate the carriage of nitro glycerine—G. B. & I. c. 113.

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NORFOLK ISLAND BISHOPRIC; to amend so much of the Act 6 & 7 Vict. c. 35, as provides that Norfolk Island is to be part of the diocese of Tasmania—U. K. c. 16.

PARISHES REMOVAL ACTS. See Sanitary Act, 1866.

OCCUPIERS, RATING OF. See Poor, &c.

OFFICERS PENSIONS. See Pensions.

ORISSA CANAL. See East India Irrigation and Canal Company.

ORPHAN, &c., CHILDREN; to amend section 9 of 25 & 26 Vict. c. 83, by extending the age at which orphan and deserted children may be kept out at nurse—I. c. 25.

OXFORD UNIVERSITY; to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford—E. c. 20.

OYSTER AND MUSSEL FISHERIES. See Fisheries.

PAMPHLETS. See Newspapers, &c.

PARK GATE CHAPEL MARRIAGES, &c.; to legalize certain marriages celebrated at Park Gate Chapel, and to change the name of the district chapelry annexed to the Chapel of Cowgill (York)—E. c. 30.

PARKS; to afford facilities for the establishment and maintenance of public parks in Ireland—I. c. 28.

PARLIAMENTARY ELECTIONS. See Corrupt Practices.

PARLIAMENTARY RETURNS; to amend the law relating to the presentation of accounts, statements, returns, and documents to Parliament—U. K. c. 86.

PAY, &c., OF THE MILITIA. See Militia.

PAYMENT OF DECEASED PERSONS' DEBTS; to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons—E. & I. c. 46. 18

PAYMENT OF DIVIDENDS. See Public Stocks.

PAYMENT OF WITNESSES. See Clerks of Assize.

PENSIONS; to provide for the commutation of pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services—G. B. & I. c. 32.

—to provide for the payment of diplomatic salaries, allowances, and pensions—U. K. c. 43.

—to alter and amend the Acts enabling her Majesty to grant pensions to persons having held certain high civil offices—U. K. c. 60.

—to remove doubts as to the qualification of persons holding civil service pensions, &c., to sit in Parliament—U. K. c. 15.

PHARMACY ACT; to amend the Pharmacy Act, 1868 (31 & 32 Vict. c. 121)—G. B. c. 117.

POLITICAL OFFICES (PENSIONS); to alter and amend the Acts enabling her Majesty to grant pensions to persons having held certain high civil offices—U. K. c. 60.

POOR LAW—POOR RELIEF, RATES, &c.; to amend the Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6)—E. c. 63. 24

—to provide for uniformity in the assessment of rateable property in the Metropolis—E. c. 67. 24

—for amending the law with respect to the rating of occupiers for short terms, and the making and collecting of the poor's rate—E. c. 41. 15

—to amend the law relating to the repayment of loans to poor law unions—E. c. 45.

—to exempt from rating Sunday and ragged schools—G. B. c. 40. 15

—to amend the Act 1 & 2 Vict. c. 56, "for the more effectual relief of the destitute poor in Ireland." [Officers of unions being interested in contracts.]—I. c. 54.

—to amend section 9 of 25 & 26 Vict. c. 83, by extending the age at which orphan and deserted children may be kept out at nurse—I. c. 25.

—to provide for superannuation allowances to medical

officers of poor law unions, and of dispensary districts of such unions in Ireland—I. c. 50.

PORTLAND HARBOUR. See Fortifications, &c.

POST OFFICE (TELEGRAPHS); to alter and amend the Telegraph Act, 1868 (31 & 32 Vict. c. 110.)—G. B. & I. c. 73. 42

POST OFFICE SAVINGS BANKS; to amend the laws relating to investments for saving banks and post office savings banks—G. B. & I. c. 59.

PRESENTATION OF BENEFICES BELONGING TO ROMAN CATHOLICS; for repealing part of the Act 1 W. & M. c. 26, "to vest in the two universities the presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence—E. c. 109.

PREVENTION OF CRIME; for the more effectual prevention of crime—G. B. & I. c. 99. 51

PREVENTION OF GAMING; to provide for the prevention of gaming in public places in Scotland—S. c. 87.

PRINTERS, &c.; to repeal certain enactments relating to newspapers, pamphlets, and other publications, and to printers, typefounders, and reading rooms—G. B. & I. c. 24. 6

PRISONERS REMOVAL; for authorising the removal of prisoners from one colony to another for the purposes of punishment—U. K. c. 10.

PRISONS; to amend the Prisons (Scotland) Administration Act, 1860 (23 & 24 Vict. c. 105)—S. c. 35.

—to enable military offenders to be confined in Millbank Prison—E. c. 95.

PROPERTY VALUATION. See Valuation (Metropolis).

PROTHONOTARIES. See Common Pleas (Lancaster).

PUBLIC CARRIAGES. See Hackney and Stage Carriages.

PUBLIC PARKS; to afford facilities for the establishment and maintenance of public parks in Ireland—I. c. 28.

PUBLIC SCHOOLS; for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118)—E. c. 58.

PUBLIC STOCKS; for facilitating the payment of dividends on the public stocks, and for making regulations with respect thereto—U. K. c. 104. 54

PUBLIC WORKS; to extend the period for the re-payment of advances of public money for the construction of certain public works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said commissioners lands and premises held on public trust—I. c. 74.

QUALIFICATION, PARLIAMENTARY. See Civil Service Pensions.

RAGGED SCHOOLS; to exempt from rating Sunday and ragged schools—G. B. c. 40. 15

RAILWAY COMPANIES; to repeal so much of the Regulation of Railways Act, 1868 (31 & 32 Vict. c. 119), as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies—G. B. & I. c. 6.

—to amend the law relating to the abandonment of railways and the dissolution of railway companies—G. B. & I. c. 114. 57

RATES AND RATING. See Poor, &c.

READING ROOMS. See Newspapers, &c.

RECORDERS' DEPUTIES; to extend the power of recorders to appoint deputies in certain cases—E. c. 23. 6

RELIGIOUS CONGREGATIONS. See Titles of Religious Congregations.

REMOVAL OF PRISONERS from one colony to another for the purposes of punishment, authorising the—U. K. c. 10.

RESIDENCE OF CLERGYMEN. See Presentation of Benefices, &c.

RESIGNATION OF BISHOPS; for the relief of archbishops and bishops when incapacitated by infirmity—E. c. 111. 55

RETURNS (PARLIAMENTARY); to amend the law relating to the presentation of accounts, statements, and documents to Parliament—U. K. c. 86.

RIFLE CORPS. See Volunteer Force.

ROMAN CATHOLICS. See Presentation of Benefices, &c.

ROYAL ARSENAL. See Fortifications, &c.

ROYAL MARINES. See Marine Mutiny.

RUPERT'S LAND; for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land—U. K. c. 101.

- SALARIES.** See Pensions.
- SALE OF BEER.** See Beerhouses.
- SALMON FISHERIES;** to amend the Salmon Fishery (Ireland) Act, 1863 (26 & 27 Vict. c. 114.), and the Acts continuing the temporary provisions of the same—I. c. 9.
— See also Fisheries.
- SANITARY ACT, 1866;** to facilitate the borrowing of money in certain cases for the purpose of the Sanitary Act, 1866 (29 & 30 Vict. c. 90), and the Acts amending the same; and for other purposes—E. c. 100.
— to amend the Sanitary Act, 1866, so far as the same relates to Ireland [application of [Nuisances Removal Acts]]—I. c. 108.
- SAVINGS BANKS, &c;** to amend the laws relating to the investments for Savings Banks and Post Office Savings Banks—G. B. & I. c. 59.
- SCHOOLS;** to amend the law relating to endowed schools and other educational endowments in England, and otherwise to provide for the advancement of education—E. c. 56, 20
— for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118)—E. c. 58.
— to exempt from rating Sunday and ragged schools—G. B. c. 40 15
- SCOTLAND, ACTS RELATING SPECIALLY TO.** See Endowed Hospitals, Gaming, Judicial Statistics, Lighthouse Keepers, &c. Prisons. Titles to Land.
- SEA BIRDS PRESERVATION;** for the preservation of sea birds—G. B. & I. c. 17.
- SEA FISHERIES;** to confirm an order made by the board of trade under the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), relating to Langston; and to amend the 45th section of that Act—G. B. c. 31.
— See also Fisheries.
- SEAMEN'S CLOTHING;** to amend the law relating to the protection of seamen's clothing and property—E. & I. c. 57.
- SEEDS ADULTERATION:** to prevent the adulteration of seeds—G. B. & I. c. 112.
- SHIPPING, COLONIAL;** for amending the law relating to the coasting trade and merchant shipping in British possessions—U. K. c. 11 3
- SHIPPING DUES EXEMPTION;** for the amendment of the Shipping Dues Exemption Act, 1867 (30 & 31 Vict. c. 15) [Agreements for compensation]—U. K. c. 52.
- SLAVE TRADE;** for repealing the Act 8 & 9 Vict. c. 122, for carrying into execution a convention with Brazil for the abolition of the African slave trade—U. K. c. 2.
— to regulate and extend the jurisdiction of her Majesty's consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the slave trade, and for other purposes relating thereto—U. K. c. 75.
- SPECIAL BAILS;** to facilitate the taking special bails in civil proceedings depending in the superior courts of law at Westminster, and in proceedings in error and on appeal—E. c. 38 14
- SPIRITS WAREHOUSING.** See Customs and Inland Revenue.
- STAGE CARRIAGES.** See Hackney and Stage Carriages.
- STAMPS.** See Fines and Fees Collection.
- STANNARIES;** for amending the law relating to mining partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries—E. c. 19 5
- STATISTICS, JUDICIAL;** to provide for the collection of judicial statistics in Scotland—S. c. 33.
- STATUTES (OXFORD UNIVERSITY);** to remove doubts as to the validity of certain statutes made by the convocation of the University of Oxford—E. c. 20.
- STIPENDIARY MAGISTRATES DEPUTIES;** to amend the law concerning the appointment of deputies by stipendiary magistrates—E. c. 34 14
- STOCK OF COMPANIES.** See Companies.
- STOCKS, PUBLIC;** facilitating the payment of dividends on the public stocks, and for making regulations with respect thereto—U. K. c. 104 54
- STOREHOUSES (MILITIA);** to amend the Militia (Ireland) Act, 1854 (17 & 18 Vict. c. 107), as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the militia when not embodied—I. c. 80.
- STORES (NAVAL).** See Naval Stores.
- STRAITS SETTLEMENTS;** for the separation of the Straits Settlements from the diocese of Calcutta—U. K. c. 88.
- SUNDAY AND RAGGED SCHOOLS;** to exempt from rating Sunday and ragged schools—G. B. c. 40 15
- SUPERANNUATIONS;** to provide for superannuation allowances to medical officers of poor law unions, and of dispensary districts of such unions, in Ireland—I. c. 50.
— to enable corporate and other public bodies in Ireland to grant superannuation allowances to officers in their service in certain cases—I. c. 79.
— See also Pensions.
- TASMANIA;** to amend so much of the Act 6 & 7 Vict. c. 3, as provides that Norfolk Island is to be part of the diocese of—U. K. c. 16.
- TELEGRAPHS;** to alter and amend the Telegraph Act, 1863 (31 & 32 Vict. c. 110)—G. B. & I. c. 73 4
- TITLE DEEDS;** to render valid certain title deeds for Innalands—U. K. c. 29.
- TITLES OF RELIGIOUS CONGREGATIONS;** to extend to burial grounds the provisions of the Act 13 & 14 Vict. c. 28, "to render more simple and effectual the titles by which congregations and societies for purposes of religious worship or education in England and Ireland hold property for such purposes"—E. & I. c. 26.
- TITLES TO LAND;** to amend the Titles to Land Consolidation (Scotland) Act, 1868 (31 & 32 Vict. c. 101)—S. c. 116.
- TRADES UNIONS;** to protect the funds of trades unions from embezzlement and misappropriation—G. B. & I. c. 61 11
- TURNPIKE TRUSTS &c.;** to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further provisions concerning turnpike roads—G. B. c. 90.
- TYPEFOUNDERS.** See Printers, &c.
- UNIONS (POOR LAW).** See Poor Law.
- UNIONS (TRADES);** to protect the funds of trades unions from embezzlement and misappropriation—G. B. & I. c. 61 11
- UNIVERSITY OF OXFORD.** See Oxford University.
- VALUATION (METROPOLIS);** to provide for uniformity in the assessment of rateable property in the metropolis—E. c. 67 9
- VICE-WARDEN OF THE STANNARIES;** for amending the law relating to mining partnerships within the Stannaries of Devon and Cornwall, and to the court of the vice-warden of the Stannaries—E. c. 19 5
- VOLUNTEER FORCE;** to amend the Volunteer Act, 1863 (26 & 27 Vict. c. 65)—G. B. c. 81.
- WAREHOUSING OF WINES AND SPIRITS;** to amend the law relating to the warehousing of wines and spirits in customs and excise warehouses, and for other purposes relating to customs and inland revenue—U. K. c. 103.
- WEST INDIES.** See Jamaica Loans.
- WINE AND BEERHOUSES;** to amend the law for licensing, and to make certain alterations with respect to the sale by retail of beer, cider, and wine—E. c. 27 11
- WINES AND SPIRITS WAREHOUSING.** See Customs and Inland Revenue.
- WITNESSES, PAYMENT OF.** See Clerks of Assize.
- ZANZIBAR;** to regulate and extend the jurisdiction of her Majesty's consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the slave trade; and for other purposes relating thereto—U. K. c. 75.

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